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**1999**

# ***Illinois Register***

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## **Rules of Governmental Agencies**

Volume 23, Issue 26 — June 25, 1999

Pages 7,183 – 7,327

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**Editor's Note:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 16, 1999 - Issue 16: Through	March 31, 1999
July 16, 1999 - Issue 29: Through	June 30, 1999
October 15, 1999 - Issue 42: Through	September 30, 1999
January 14, 2000 - Issue 3: Through	December 31, 1999 (Annual)

## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
Issue 6	January 25	February 5	Issue 33	August 2	August 13
Issue 7	February 1	February 16	Issue 34	August 9	August 20
Issue 8	February 8	February 19 **	Issue 35	August 16	August 27
Issue 9	February 16 ***	February 26	Issue 36	August 23	September 3
Issue 10	February 22	March 5	Issue 37	August 30	September 10
Issue 11	March 1	March 12	Issue 38	September 7 ***	September 17
Issue 12	March 8	March 19	Issue 39	September 13	September 24
Issue 13	March 15	March 26	Issue 40	September 20	October 1
Issue 14	March 22	April 2	Issue 41	September 27	October 8
Issue 15	March 29	April 9	Issue 42	October 4	October 15
Issue 16	April 5	April 16	Issue 44	October 12 ***	October 22
Issue 17	April 12	April 23	Issue 43	October 18	October 29
Issue 18	April 19	April 30	Issue 44	October 25	November 5
Issue 19	April 26	May 7	Issue 45	November 1	November 12
Issue 20	May 3	May 14	Issue 46	November 8	November 19
Issue 21	May 10	May 21	Issue 47	November 15	November 29 *
Issue 22	May 17	May 28	Issue 48	November 22	December 3
Issue 23	May 24	June 4	Issue 49	November 29	December 10
Issue 24	June 1 ***	June 11	Issue 50	December 6	December 17
Issue 25	June 7	June 18	Issue 51	December 13	December 24
Issue 26	June 14	June 25	Issue 52	December 20	December 31
Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

\* Monday following a state holiday.

\*\* Tuesday following a state holiday.

\*\*\* Since the state holiday is a Monday, the deadline is Noon on Tuesday.

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Credit Union Act
- 2) Code Citation: 38 Ill. Adm. Code 190
- 3) Section numbers: 190.20  
Proposed Action: Amendment
- 4) Statutory Authority: 205 ILCS 305/8
- 5) A complete description of the Subjects and Issues involved: Current rule fails to incorporate the requirements of the amended Administrative Procedure Act and to settle litigation challenging the rule on due process grounds, the Department of Financial Institutions agreed to propose this rule.
- 6) Will this proposed amendment replace any emergency rulemaking currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending for this Part? No
- 10) Statement of Statewide Policy Objectives: The amendment neither creates nor expands a state mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- Ms. Elizabeth Byrne  
Chief Legal Counsel  
Department of Financial Institutions  
James R. Thompson Center  
100 West Randolph, Suite 15-700  
Chicago, Illinois 60601  
312/814-2008
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, municipalities and not for profit corporations affected: Credit Unions
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements
- D) Types of professional skills necessary for compliance: None

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PROPOSED AMENDMENT

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PROPOSED AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONSPART 190  
ILLINOIS CREDIT UNION ACT

Section	
190.5	Credit Union Service Organizations
190.10	Field of Membership Procedures
190.20	Hearings
190.30	Cease and Desist Procedures
190.40	Removal or Suspension Procedures
190.50	Fees
190.60	General Accounting Procedures
190.70	Loan Loss Accounting Procedures
190.80	Use of Electronic Data Processing
190.90	Property and Long Term Leases
190.100	Classes of Share and Special Purpose Share Accounts
190.110	Share Drafts
190.120	Bond and Insurance Requirements
190.130	Verification of Share and Loan Accounts
190.140	Real Estate Lending
190.150	Reverse Mortgage
190.160	Lending Limits - Consumer Loans Other Than First Mortgage Loans
190.165	Business Loans
190.170	Group Purchasing
190.180	Investments
190.190	Liquidation
190.200	Conversion of Charter

AUTHORITY: Implementing and authorized by the Illinois Credit Union Act [205 ILCS 305].

SOURCE: Adopted at 4 Ill. Reg. 20, p. 17, effective May 7, 1980; amended at 6 Ill. Reg. 11154, effective September 7, 1982; amended and codified at 7 Ill. Reg. 14973, effective October 26, 1983; emergency amendment at 9 Ill. Reg. 14378, effective September 11, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 16231, effective October 10, 1985; amended at 10 Ill. Reg. 14667, effective August 27, 1986; amended at 12 Ill. Reg. 10464, effective June 7, 1988; amended at 12 Ill. Reg. 17383, effective October 24, 1988; amended at 13 Ill. Reg. 3793, effective March 10, 1989; amended at 13 Ill. Reg. 15998, effective October 2, 1989; emergency amendment at 16 Ill. Reg. 12781, effective July 29, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17073, effective October 26, 1992; amended at 19 Ill. Reg. 2826, effective February 24, 1995; amended at 20 Ill. Reg. 5803, effective April 8, 1996; emergency amendment at 20 Ill. Reg. 13093, effective September 20, 1996, for a maximum of 150 days; emergency expired February 17, 1997; amended at 22 Ill. Reg. 17317, effective September 15, 1998; emergency amendment at 23 Ill. Reg. 3086,

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PROPOSED AMENDMENT

effective February 23, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 190.20 Hearings

- a) Upon written request, made within 90 days after any administrative action or regulatory decision made pursuant to the Act, the Director will authorize a formal hearing to review the propriety of administrative actions and regulatory decisions by issuing a notice of hearing made pursuant to the Act.
- b) The notice shall be served personally or by certified or registered mail or as otherwise provided by law upon the parties or their agents appointed to receive service of process and shall include the following:
  - 1) A statement of the time, place, and nature of the hearing.
  - 2) A statement of the legal authority and jurisdiction under which the hearing is to be held.
  - 3) A reference to the particular Sections of the substantive and procedural statutes and rules involved.
  - 4) Except where a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted, the consequences of a failure to respond, and the official file or other reference number.
  - 5) The names and mailing addresses of the hearing officer, all parties, and all other persons to whom the agency gives notice of the hearing, unless otherwise confidential by law.
- c) An opportunity shall be afforded all parties to be represented by legal counsel and to respond and present evidence and argument.
- d) Unless precluded by law, disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.
- e) Hearing Officers.
  - 1) The hearing officer designated by the Director shall be an attorney licensed to practice in Illinois and the Director may designate, in writing, a hearing officer who shall have the authority to:
    - A) examine or permit examination of any witness under oath;
    - B) determine the order of appearance of all parties;
    - C) receive all evidence and testimony and rule on its admissibility as well as require the production of any relevant document or witness;
    - D) rule on objections to evidence; and
    - E) make a written report with recommendations to the Director which shall include findings of fact and conclusions of law with respect to the claim. Findings of fact shall be based exclusively on the evidence and on matters officially noticed, and

2) Petitioner or Respondent may petition the Director to disqualify the appointed hearing officer for bias or conflict of interest by

## DEPARTMENT OF FINANCIAL INSTITUTIONS

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presenting the Director with convincing and compelling evidence of the hearing officer's bias or conflict of interest. An adverse ruling shall not constitute bias or conflict of interest. Require any party or his attorney to provide proposed findings of fact or conclusion of law for consideration in his report.

## f) b) General Provisions.

- 1) When a hearing is scheduled pursuant to this Part Act, the petitioner or his attorney shall be notified by certified or registered mail, return receipt requested, at least ten days prior to the date set for the such hearing. Delivery of notice to the United States Postal Service shall constitute delivery.
- 2) A continuance shall be granted for good cause by the hearing officer. The continuance Director or his designee which shall be:
  - A) in writing, in duplicate and signed by the petitioner or his attorney and shall state the reasons for the request;
  - B) delivered to the hearing officer Director or his designee at least three days prior to the scheduled hearing.
- 3) For the purposes of this subsection (f)(3), paragraph good cause shall require the petitioner to demonstrate real and compelling need for additional time. it shall include but not be limited to fitness, service in the armed forces, etc.
- 4) Failure to attend a hearing shall result in the dismissal of the party's petition and the assessment of the costs for such a hearing upon the party. A person whose petition has been so dismissed shall not resubmit until the assessed costs have been paid. unless he successfully petitions the Director for reconsideration by establishing that his failure to attend was occasioned by events beyond his control and he exercised due diligence to attend or seek a continuance.
- 5) Any party to a proceeding may order a court reporter to transcribe the proceeding. If the petitioner makes the request, he or she shall pay all costs associated with the said transcript. If the court reporter is ordered by the hearing officer, any party may purchase a transcript.
- 6) The Director shall assess all costs and attorneys' fees against any party who has unreasonably delayed a proceeding or has filed a claim in bad faith. "Unreasonable delay of a proceeding" shall be determined to exist upon a preponderance of evidence indicating that the petitioner is purposely delaying the hearing either actively or through inattention to detail. A determination of "filing a claim in bad faith" requires a preponderance of evidence that the hearing petition was filed merely to stay Department action with no intent for expeditious resolution of the contested issue.

## g) c) Conduct of Hearings.

- 1) The hearing officer shall open the hearing by presenting for the record his or her letter of authorization from the Director. The petitioner or his attorney shall then present his case and the

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PROPOSED AMENDMENT

proof thereof. The proof may include testimony or any document relevant to the claim.

- 2) The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed. The hearing officer may admit evidence not admissible under those such rules if such evidence could be relevant to the case. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Evidence not admissible under those rules of evidence may be admitted (except where precluded by statute) if it is a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form.
- 3) The hearing officer may on his or her own motion or the motion of one of the parties take notice of matters of which the Circuit Courts of this State may take judicial notice. Notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge if parties are notified, before or during the hearing, and if shall be afforded an opportunity to contest the material so noticed [5 ILCS 100/10-40(c)]. The burden of opposing any material admitted upon notice shall be upon the party so opposing.
- 4) No Department employee or hearing officer shall, after notice of a hearing, communicate with any party or his attorney in connection with any issue in the said hearing except upon notice and opportunity for all parties to participate.
- 5) The record of any hearing shall include:
  - A) all pleadings, and evidence received whether admitted or excluded;
  - B) a statement of all matters officially noticed;
  - C) all offers of proof, objections and rulings thereon;
  - D) all proposed findings and exceptions;
  - E) any decision, opinion, or report by the hearing officer;
  - F) any communication prohibited by this Part rule, although the such communication shall not form the basis for any finding of fact;
  - G) any evidence excluded by the hearing officer, even though such evidence is not used in the determination of the claim;
  - H) a proceeding transcript which shall be recorded by any such means that will as to adequately insure the preservation of the testimony.
- 6) Within 90 sixty days after of the hearing or the receipt of all necessary documents, the hearing officer shall report to the Director, pursuant to 38 Ill. Adm. Code 190.20.
- 7) Within 30 thirty days after receiving the report of the hearing officer, the Director shall issue a his decision, which shall be

## DEPARTMENT OF FINANCIAL INSTITUTIONS

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served on claimant and other parties personally or by registered or certified mail, return receipt requested. Copies of the hearing officer's report to the Director are available upon written request from the petitioner.

## h) Petition to Reconsider.

1) Within 30 ~~thirty~~ days after receipt of the Director's decision, any party may petition the Director for reconsideration based upon a verified petition. An affidavit shall accompany the petition stating that the decision was against the manifest weight of the evidence, was contrary to law, or was arbitrary or capricious, and is affected by newly discovered evidence not in existence at the time of the initial hearing or which could not have been discovered using due diligence at that time.

2) The Director shall determine within 15 ~~five~~ days whether to reconsider the case. If reconsideration is allowed, a hearing shall be held pursuant to this Part ~~rule~~ and shall be limited to the issues raised by the petition and affidavit. If reconsideration is denied, the Director's initial decision shall be the final administrative decision of the Department.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## BOARD OF HIGHER EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Program Approval

2) Code Citation: 23 Ill. Adm. Code 1050

3) Section Numbers:  
 1050.10 Amendment  
 1050.20 Amendment  
 1050.30 Amendment  
 1050.40 Amendment

4) Statutory Authority: Implementing and authorized by Section 7 of the Board of Higher Education Act [110 ILCS 205/7].

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments simplify the present process for approval of new units of instruction, research and public service at public institutions to more clearly recognize the rapid changes in knowledge that create the need for changes in curricula and courses. The proposed amendments clarify the distinction between "new unit of instruction" and "reasonable and moderate extension." Also, the proposed changes will reduce paperwork and allow minor changes to occur without delay. The actual criteria for approval are not being changed.

The proposed amendments also update names of public university governing boards.

6) Will these proposed amendments replace emergency Rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed Amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be directed to the following person within 45 days of the date of this publication:

Carolyn Lorton  
 Illinois Board of Higher Education  
 4 West Old Capitol Plaza, Room 500  
 Springfield, Illinois 62701  
 217/782-2551  
 lorton@ibhe.state.il.us

## BOARD OF HIGHER EDUCATION

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: These proposed amendments will affect public universities and public community colleges that submit to the Board of Higher Education requests for approval to offer new units of instruction, research or public service.

B) Reporting, bookkeeping or other procedures required for compliance: Institutions desiring to conduct off-campus instruction must apply to BHE.

C) Types of professional skills necessary for compliance: Curriculum planning skills.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: plans were not in place at that time for proposing such amendments.

The full text of the Proposed Amendments begins on the next page:

## BOARD OF HIGHER EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER II: BOARD OF HIGHER EDUCATION

## PART 1050

PROGRAM APPROVAL OF NEW UNITS OF INSTRUCTION, RESEARCH AND PUBLIC SERVICE  
AT PUBLIC INSTITUTIONS

Section  
1050.10 Institutions Required to Receive Approval  
1050.20 Definitions  
1050.30 Criteria for Approval  
1050.40 Procedures of Obtaining Approval

AUTHORITY: Implementing Section 7 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/7 and 9.05].

SOURCE: Amended and effective April 15, 1976; rules repealed and new rules adopted and codified at 8 Ill. Reg. 16907, effective September 4, 1984; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1050.10 Institutions Required to Receive Approval

Any campus under the governance or supervision of the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, the Board of Governors of State-Colleges-and-Universities, the Board of Regents of the Illinois Board of Higher Education, or the Illinois Community College Board must receive approval prior to the establishment of any new unit of instruction, research or public service.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 1050.20 Definitions

"Board of Control" means one of the following:

The Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the

## BOARD OF HIGHER EDUCATION

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Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, Board-of-Governors--of State-Colleges-and-Universities, the Board-of-Regents-of-Regency Universities, or the Illinois Community College Board.

"Degree" means any designation, appellation, series of letters or words, or other symbol which signifies or purports to signify that the recipient has satisfactorily completed an organized program of study of at least one year beyond the secondary school level. It shall include, but not be limited to, the following: certificate, associate, bachelor, post-baccalaureate certificate, master, post-master certificate, specialist, first professional, and doctor, and certificate-of-advanced-study.

"New Unit of Instruction" means one or more of the following:

Any new organized program of study beyond the secondary school level which results in the formal award of a degree to a student of-a-new-degree.

Any organized program of study beyond the secondary school level which is offered at a new geographical location and results in the award to a student of an existing degree (i.e., one which is currently granted by the institution).

Any new formally organized administrative entity which would have a continuing instructional mission, including but not limited to a campus, branch, college, school, department or division.

"New Unit of Public Service" means any new formally organized administrative entity that would have a continuing public service mission, including but not limited to a school, department, division, institute or center.

"New Unit of Research" means any new formally organized administrative entity that would have a continuing research mission, including but not limited to a school, department, division, institute or center.

"Reasonable and Moderate Extension" means one or more of the following:

An addition to or modification of an existing unit of instruction which has a direct relationship to the existing unit and which does not result in a significant change in curriculum, objectives or resources for the unit of instruction.

An addition to or modification of an existing unit of research or public service which has a direct relationship to an existing

## BOARD OF HIGHER EDUCATION

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unit of instruction, research or public service; is consistent with the existing research or public service mission of the campus; and will be concluded within a well defined time frame.

A change in classification, the title or degree designation of an existing unit of instruction, research or public service that more accurately reflects the content, objectives, and programmatic activities for the unit.

An addition of a certificate program from one or more existing units of instruction.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1050.30 Criteria for Approval

The Illinois Board of Higher Education will evaluate new units of instruction, research or public service by applying the following criteria:

- a) Criteria which are applicable to all units of instruction, research and public service
  - 1) Mission and Objectives
    - A) ~~The~~ the objectives of the unit of instruction, research or public service are consistent with the mission of the college or university.
    - B) ~~The~~ the objectives of the unit of instruction, research or public service are consistent with what the unit title implies.
  - 2) Academic Control
 

~~The~~ the design, conduct, and evaluation of the unit of instruction, research or public service are under the direct and continuous control of the sponsoring institution's established processes for academic planning and quality maintenance.
  - 3) Faculty and Staff
    - A) ~~The~~ the academic preparation and experience of faculty and staff ensure that the objectives of the unit of instruction, research or public service are met.
    - B) ~~The~~ the academic preparation and experience of the faculty and staff, as evidenced by level of degrees held, professional experience in the field of study and demonstrated knowledge of the field, ensure that they are able to fulfill their academic responsibilities.
    - C) ~~The~~ the involvement of faculty in the unit of instruction, research or public service is sufficient to cover the various fields of knowledge encompassed by the unit, to sustain scholarship appropriate to the unit, and to assure curricular continuity and consistency in student evaluation.
    - D) Support ~~support~~ personnel, including but not limited to

## BOARD OF HIGHER EDUCATION

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counselors, administrators, clinical supervisors, and technical staff, which are directly assigned to the unit of instruction, research or public service, have the educational background and experience necessary to carry out their assigned responsibilities.

## 4) Support Services

A) Facilities facilities, equipment and instructional resources (e.g., laboratory supplies and equipment, instructional materials, computational equipment) necessary to support high quality academic work in the unit of instruction, research or public service are available and maintained.

B) Clinical clinical sites necessary to meet the objectives of the unit of instruction, research or public service.

C) Library library holdings and acquisitions, owned or contracted for by the institution, that are necessary to support high quality instruction and scholarship in the unit of instruction, research and public service, are conveniently available and accessible, and can be maintained.

## 5) Financial

A) The the financial commitments to support the unit of instruction, research or public service are sufficient to ensure that the faculty and staff and support services necessary to offer the unit of instruction, research or public service can be acquired and maintained.

B) Projections projections of revenues necessary to support the unit of instruction, research or public service are based upon supportable estimates of state appropriations, local tax support, student tuition and fees, private gifts, and/or governmental grants and contracts.

## 6) Statewide Needs and Priorities

A) The the unit of instruction, research or public service is educationally and economically justified based on the educational priorities and needs of the citizens of Illinois.

B) The the unit of instruction, research or public service meets a need that is not currently met by existing institutions and units of instruction, research or public service.

b) Criteria which are applicable only to units of instruction:

## 1) Curriculum

A) The the caliber and content of the curriculum assure that the objectives of the unit of instruction will be achieved.

B) The the breadth and depth of the curriculum are consistent with what the title of the unit of instruction implies.

C) The the admission and graduation requirements for the unit of instruction are consistent with the stated objectives of the unit of instruction.

## BOARD OF HIGHER EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

D) Provision provision is made for guidance and counseling of students, evaluations of student performance, continuous monitoring of progress of students toward their degree objectives and appropriate academic record keeping.

## 2) Program Information

The the information which the institution provides for students and the public accurately describes the unit of instruction, including its objectives, length, residency requirements if any, schedule of tuition, fees, and all other charges and expenses necessary for completion of the unit of instruction, cancellation and refund policies, student rights and responsibilities, and such other material facts concerning the institution and the unit of instruction as are likely to affect the decision of the student to enroll. Such information shall be available to prospective students prior to enrollment.

## 3) Accreditation and Licensure

Appropriate appropriate steps have been taken to assure that professional accreditation needed for licensure or entry into a profession as specified in the objectives of the unit of instruction is maintained or will be granted in a reasonable period of time.

c) Criteria that are applicable only to units of instruction to be offered temporarily off-campus:

1) The unit of instruction is approved for offering on campus, and the academic standards of the on-campus unit are maintained at the off-campus site;

2) The off-campus unit of instruction is offered under contract to a single business, service organization, or government agency and enrollment is restricted to employees of the contracting business, organization or agency;

3) The contractual arrangement assures that the off-campus unit of instruction is self-supporting; that is, no State resources are required to support it; and

4) The off-campus unit of instruction is offered to a single group of entering students for a single cycle not to exceed three years.

Should the institution wish to continue the unit of instruction at the off-campus site beyond the single cycle, the institution must submit an application for Board of Higher Education approval.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1050.40 Procedures of Obtaining Approval

## a) Approval of the Board of Control

1) Applications for new units of instruction, research and public service will be reviewed by the appropriate board of control.

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Upon approval of the appropriate board of control, the application requesting approval of the new unit of instruction, research or public service will be transmitted to the Illinois Board of Higher Education.

2) Before submitting an application for a new off-campus unit of instruction, the institution shall submit to the Board of Higher Education a Notice of Intent for publication for comment.

3) If the appropriate board of control determines that the proposed unit is a reasonable and moderate extension, it will so inform the Illinois Board of Higher Education. If the Illinois Board of Higher Education does not concur in this determination an application requesting approval of the new unit of instruction, research or public service will be transmitted to the Illinois Board of Higher Education.

b) Approval by the Illinois Board of Higher Education  
Upon determining that the Criteria for Approval are met the Board of Higher Education will approve the establishment of the new unit of instruction, research or public service, and will so inform the appropriate board of control by letter from its executive director. This letter shall constitute formal authority to establish the new unit of instruction, research or public service.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:  
140.3 Amendment  
140.5 Amendment  
140.420 Amendment  
140.421 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments to the Department's rules establish coverage under the Medical Assistance Program for certain medical services for recipients age 21 years or more. This new coverage pertains to optional services under Medicaid, including dental care, chiropractic care, podiatric care and optical services and supplies. These changes are being made pursuant to implementation of the Department's fiscal year 2000 budget, as enacted under Public Act 91-0020.

The Department intends to follow these proposed amendments with an emergency rulemaking, to be effective July 1, 1999.

This additional medical coverage is expected to result in an expenditure of approximately \$22.3 million during fiscal year 2000.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.461	Amendment	January 4, 1999 (23 Ill. Reg. 128)
140.462	Amendment	January 4, 1999 (23 Ill. Reg. 128)
140.463	Amendment	April 9, 1999 (23 Ill. Reg. 4203)
140.466	Amendment	April 9, 1999 (23 Ill. Reg. 4203)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data,

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views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62763-0001  
217/785-9839

The Department requests the submission of written comments within 30 days after the publication of this notice. Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these proposed amendments at the Illinois Department of Human Services' local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, and the Office of the Secretary, Illinois Department of Human Services, both located at 401 South Clinton, Seventh Floor, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Providers of certain medical services, including dental, chiropractic, podiatric and optical, will be affected by this proposed rulemaking. The Department is unsure whether or not any of the affected entities may qualify as small businesses.

B) Reporting, bookkeeping or other procedures required for compliance:

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None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

The full text of the proposed amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

- 140.1 Incorporation By Reference  
140.2 Medical Assistance Programs  
140.3 Covered Services Under Medical Assistance Programs  
140.4 Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)  
140.5 Covered Medical Services Under General Assistance  
140.6 Medical Services Not Covered  
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight  
140.8 Medical Assistance For Qualified Severely Impaired Individuals  
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
140.10 Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

- 140.11 Enrollment Conditions for Medical Providers  
140.12 Participation Requirements for Medical Providers  
140.13 Definitions  
140.14 Denial of Application to Participate in the Medical Assistance Program  
140.15 Recovery of Money  
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.18 Effect of Termination on Individuals Associated with Vendor  
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring  
140.20 Submittal of Claims  
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)  
140.22 Magnetic Tape Billings  
140.23 Payment of Claims  
140.24 Payment Procedures  
140.25 Overpayment or Underpayment of Claims  
140.26 Payment to Factors Prohibited

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- 140.27 Assignment of Vendor Payments  
140.28 Record Requirements for Medical Providers  
140.30 Audits  
140.31 Emergency Services Audits  
140.32 Prohibition on Participation, and Special Permission for Participation  
140.33 Publication of List of Terminated, Suspended or Barred Entities  
140.35 False Reporting and Other Fraudulent Activities  
140.40 Prior Approval for Medical Services or Items  
140.41 Prior Approval in Cases of Emergency  
140.42 Limitation on Prior Approval  
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained  
140.55 Recipient Eligibility Verification (REV) System  
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice  
140.72 Voucher Advance Payment and Expedited Payments  
140.73 Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

## Section

- 140.80 Hospital Provider Fund  
140.82 Developmentally Disabled Care Provider Fund  
140.84 Long Term Care Provider Fund  
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund  
140.95 Hospital Services Trust Fund  
140.96 General Requirements (Recodified)  
140.97 Special Requirements (Recodified)  
140.98 Covered Hospital Services (Recodified)  
140.99 Hospital Services Not Covered (Recodified)  
140.100 Limitation On Hospital Services (Recodified)  
140.101 Transplants (Recodified)  
140.102 Heart Transplants (Recodified)  
140.103 Liver Transplants (Recodified)  
140.104 Bone Marrow Transplants (Recodified)  
140.110 Disproportionate Share Hospital Adjustments (Recodified)  
140.116 Payment for Inpatient Services for GA (Recodified)  
140.117 Hospital Outpatient and Clinic Services (Recodified)  
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)  
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)  
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)  
140.203 Limits on Length of Stay by Diagnosis (Recodified)  
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)  
140.350 Copayments (Recodified)  
140.360 Payment Methodology (Recodified)

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140.361 Non-Participating Hospitals (Recodified)  
 140.362 Pre July 1, 1989 Services (Recodified)  
 140.363 Post June 30, 1989 Services (Recodified)  
 140.364 Prepayment Review (Recodified)  
 140.365 Base Year Costs (Recodified)  
 140.366 Restructuring Adjustment (Recodified)  
 140.367 Inflation Adjustment (Recodified)  
 140.368 Volume Adjustment (Repealed)  
 140.369 Groupings (Recodified)  
 140.370 Rate Calculation (Recodified)  
 140.371 Payment (Recodified)  
 140.372 Review Procedure (Recodified)  
 140.373 Utilization (Repealed)  
 140.374 Alternatives (Recodified)  
 140.375 Exemptions (Recodified)  
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)  
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.391 Definitions (Recodified)  
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section  
 140.400 Payment to Practitioners, Nurses and Laboratories  
 140.410 Physicians' Services  
 140.411 Covered Services By Physicians  
 140.412 Services Not Covered By Physicians  
 140.413 Limitation on Physician Services  
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians  
 140.416 Optometric Services and Materials  
 140.417 Limitations on Optometric Services  
 140.418 Department of Corrections Laboratory  
 140.420 Dental Services  
 140.421 Limitations on Dental Services  
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists  
 140.425 Podiatry Services  
 140.426 Limitations on Podiatry Services  
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry  
 140.428 Chiropractic Services

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140.429 Limitations on Chiropractic Services (Repealed)  
 140.430 Independent Clinical Laboratory Services  
 140.431 Services Not Covered by Independent Clinical Laboratories  
 140.432 Limitations on Independent Clinical Laboratory Services  
 140.433 Payment for Clinical Laboratory Services  
 140.434 Record Requirements for Independent Clinical Laboratories  
 140.435 Nurse Services  
 140.436 Limitations on Nurse Services  
 140.438 Imaging Centers  
 140.440 Pharmacy Services  
 140.441 Pharmacy Services Not Covered  
 140.442 Prior Approval of Prescriptions  
 140.443 Filling of Prescriptions  
 140.444 Compounded Prescriptions  
 140.445 Legend Prescription Items (Not Compounded)  
 140.446 Over-the-Counter Items  
 140.447 Reimbursement  
 140.448 Returned Pharmacy Items  
 140.449 Payment of Pharmacy Items  
 140.450 Record Requirements for Pharmacies  
 140.451 Prospective Drug Review and Patient Counseling  
 140.452 Mental Health Clinic Services  
 140.453 Definitions  
 140.454 Types of Mental Health Clinic Services  
 140.455 Payment for Mental Health Clinic Services  
 140.456 Hearings  
 140.457 Therapy Services  
 140.458 Prior Approval for Therapy Services  
 140.459 Payment for Therapy Services  
 140.460 Clinic Services  
 140.461 Clinic Participation, Data and Certification Requirements  
 140.462 Covered Services in Clinics  
 140.463 Clinic Service Payment  
 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)  
 140.465 Speech and Hearing Clinics (Repealed)  
 140.466 Rural Health Clinics  
 140.467 Independent Clinics  
 140.469 Hospice  
 140.470 Home Health Services  
 140.471 Home Health Covered Services  
 140.472 Types of Home Health Services  
 140.473 Prior Approval for Home Health Services  
 140.474 Payment for Home Health Services  
 140.475 Medical Equipment, Supplies and Prosthetic Devices  
 140.476 Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made  
 140.477 Limitations on Equipment, Supplies and Prosthetic Devices  
 140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices

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140.479	Limitations, Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Limitations on Medichex Services (Repealed)
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
SUBPART E: GROUP CARE	
Section	
140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life (Repealed)
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered by Department Payment
140.512	Utilization Control
140.513	Utilization Review Plan (Repealed)
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)

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140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)

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140.582 Cost Adjustments  
 140.583 Campus Facilities  
 140.584 Illinois Municipal Retirement Fund (IMRF)  
 140.590 Audit and Record Requirements  
 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services  
 140.643 In-Home Care Program  
 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21  
 140.646 Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities  
 140.647 Description of Developmental Training (DT) Services  
 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs  
 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs  
 140.650 Certification of Developmental Training (DT) Programs  
 140.651 Decertification of Day Programs  
 140.652 Terms of Assurances and Contracts  
 140.680 Effective Date Of Payment Rate  
 140.700 Discharge of Long Term Care Residents  
 140.830 Appeals of Rate Determinations  
 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

## SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section  
 140.850 General Description (Repealed)  
 140.855 Definition of Terms (Repealed)  
 140.860 Covered Services (Repealed)  
 140.865 Sponsor Qualifications (Repealed)  
 140.870 Sponsor Responsibilities (Repealed)  
 140.875 Department Responsibilities (Repealed)  
 140.880 Provider Qualifications (Repealed)  
 140.885 Provider Responsibilities (Repealed)  
 140.890 Payment Methodology (Repealed)  
 140.895 Contract Monitoring (Repealed)  
 140.896 Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Repealed)  
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Repealed)  
 140.901 Functional Areas of Needs (Repealed)  
 140.902 Service Needs (Repealed)  
 140.903 Definitions (Repealed)  
 140.904 Times and Staff Levels (Repealed)  
 140.905 Statewide Rates (Repealed)

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140.906 Reconsiderations (Recodified)  
 140.907 Midnight Census Report (Recodified)  
 140.908 Times and Staff Levels (Recodified)  
 140.909 Statewide Rates (Recodified)  
 140.910 Referrals (Recodified)  
 140.911 Basic Rehabilitation Aide Training Program (Recodified)  
 140.912 Interim Nursing Rates (Recodified)

## SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section  
 140.920 General Description  
 140.922 Covered Services  
 140.924 Maternal and Child Health Provider Participation Requirements  
 140.926 Client Eligibility (Repealed)  
 140.928 Client Enrollment and Program Components (Repealed)  
 140.930 Reimbursement  
 140.932 Payment Authorization for Referrals (Repealed)

## SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section  
 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)  
 140.942 Definition of Terms (Recodified)  
 140.944 Notification of Negotiations (Recodified)  
 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)  
 140.948 Negotiation Procedures (Recodified)  
 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)  
 140.952 Closing an ICARE Area (Recodified)  
 140.954 Administrative Review (Recodified)  
 140.956 Payments to Contracting Hospitals (Recodified)  
 140.958 Admitting and Clinical Privileges (Recodified)  
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)  
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)  
 140.964 Contract Monitoring (Recodified)  
 140.966 Transfer of Recipients (Recodified)  
 140.968 Validity of Contracts (Recodified)  
 140.970 Termination of ICARE Contracts (Recodified)  
 140.972 Hospital Services Procurement Advisory Board (Recodified)

TABLE A Medichex Recommended Screening Procedures (Repealed)  
 TABLE B Geographic Areas  
 TABLE C Capital Cost Areas  
 TABLE D Schedule of Dental Procedures

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TABLE E	Time Limits for Processing of Prior Approval Requests
TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Areas of Major Life Activity
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping (Repealed)
TABLE K	Services Qualifying for 10% Add-On (Repealed)
TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

**AUTHORITY:** Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

**SOURCE:** Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment

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at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140-Table H and 140-Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147-Table A and 147-Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections

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140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg.

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18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 18097, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a

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maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 14126, Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6895, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; amended at 23 Ill. Reg. \_\_\_\_\_, effective

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## SUBPART A: GENERAL PROVISIONS

## Section 140.3 Covered Services Under Medical Assistance Programs

- a) As described in this Section, medical services shall be covered for:
- 1) recipients of financial assistance under the AABD (Aid to the Aged, Blind or Disabled), AFDC (Aid to Families with Dependent Children), or Refugee/Entrant/Repatriate programs;
  - 2) recipients of medical assistance only under the AABD program (AABD-WANG);
  - 3) recipients of medical assistance only under the AFDC program (AFDC-WANG);
  - 4) individuals under age 18 not eligible for AFDC (see Section 140.7), pregnant women who would be eligible if the child were born and pregnant women and children under age eight who do not qualify as mandatory categorically needy (see Section 140.9);
  - 5) disabled persons under age 21 who may qualify for Medicaid and in-home care (Model Waiver); and
  - 6) recipients eligible under the State Transitional Assistance Program who are determined by the Department to be disabled.
- b) The following medical services shall be covered for recipients under age 21 who are included under subsection (a) above:
- 1) Inpatient hospital services;
  - 2) Hospital outpatient and clinic services;
  - 3) Hospital emergency room visits. The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment;
  - 4) Encounter rate clinic visits;
  - 5) Physician services;
  - 6) Pharmacy services;
  - 7) Home health agency visits;
  - 8) Laboratory and x-ray services;
  - 9) Group care services;
  - 10) Family planning services and supplies;
  - 11) Medical supplies, equipment, prostheses and orthoses, and respiratory equipment and supplies;
  - 12) Transportation to secure medical services;
  - 13) Medichex (BPSDT) services;
  - 14) Dental services;
  - 15) Chiropractic services;
  - 16) Podiatric services;
  - 17) Optical services and supplies;
  - 18) Substance alcoholism and substance abuse services pursuant to Sections 140.390 through 140.396; and
  - 19) Hospice services.
- c) The following medical services shall be covered for recipients age 21 or over who are included under subsection (a) above:

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- 1) Inpatient hospital services;
- 2) Hospital outpatient and clinic services;
- 3) Hospital emergency room visits. The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment;
- 4) Encounter rate clinic visits;
- 5) Physician services;
- 6) Pharmacy services;
- 7) Home health agency visits;
- 8) Laboratory and x-ray services;
- 9) Group care services;
- 10) Family planning services and supplies;
- 11) Medical supplies, equipment, prostheses and orthoses, and respiratory equipment and supplies;
- 12) Transportation to secure medical services;
- 13) Medichek (EPSDT) services;
- 14) Subacute alcoholism and substance abuse services pursuant to Sections 140.390 through 140.396;
- 15) Hospice services; and
- 16) Dental services; ~~Adult-emergency-dental-services--as--defined--in Section-140-421(f)-~~
- 17) Chiropractic services;
- 18) Podiatric services; and
- 19) Optical services and supplies.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 140.5 Covered Medical Services Under General Assistance

- a) The following medical services shall be covered for recipients of financial assistance under General Assistance for both the State Transitional Assistance Program and the State Family and Children Assistance Program:
  - 1) Encounter rate clinic visits;
  - 2) Physician services;
  - 3) Vital pharmacy services (items necessary for life maintenance or to avoid life threatening situations);
  - 4) Vital medical supplies and equipment;
  - 5) Group care services, subject to prior approval;
  - 6) Family planning services;
  - 7) Laboratory and x-ray services;
  - 8) Transportation to secure medical services;
  - 9) Prostheses, orthoses (only when essential for employment or expediting hospital discharge);
  - 10) Home health agency visits (only on a prior approval basis when the medical condition is documented by the physician as

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- terminal);
- 11) Hospice services; and
- 12) Dental services; ~~Adult-emergency-dental-services-~~
- 13) Chiropractic services;
- 14) Podiatric services; and
- 15) Optical services and supplies.

- b) The following medical services shall be covered for recipients of financial assistance under General Assistance only for the State Family and Children Assistance Program, not the State Transitional Assistance Program, in addition to the services covered under subsection (a) above:
  - 1) Inpatient hospital services. (Physical rehabilitation services and psychiatric services are not covered for General Assistance recipients age 18 or over);
  - 2) Hospital outpatient and clinic services for surgical procedures, renal dialysis or cancer therapy; and
  - 3) Hospital emergency room visits. The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## Section 140.420 Dental Services

- a) Payment for dental services shall be made only to licensed dentists. Payment for comprehensive orthodontic care shall be made only to a dentist licensed for provision of such services.
- b) Except for the "services not covered" specified in subsection (c) below, payment shall be made for dental services that are:
  - 1) Necessary to relieve pain or infection. preserve teeth, or restore adequate dental function;
  - 2) Diagnostic, preventive, or restorative services, endodontics, prosthodontics, orthodontics or oral surgery included in the Department's Schedule of Dental Procedures (see Table D at the end of this Part);
  - 3) Performed by the dentist or under the direct supervision of the dentist.
- c) Services for which payment shall not be made include:
  - 1) Routine or periodic examination other than:
    - A) Initial examinations;
    - B) Required school examinations;
    - C) Periodic examinations for children with minimum of 12 months having elapsed since initial or previous periodic examination;

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- 2) Adult non-emergency dental services--(see Section 140.421)--3)  
Experimental dental care;  
34) Procedures performed only for cosmetic reasons;  
45) Acrylic crown.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 140.421 Limitations on Dental Services

- a) Dental services for recipients age 21 and older are covered for only a limited range of emergency dental services:

1) Emergency dental services are described as those dental procedures necessary to treat pain in the teeth, gums, palate or any other problem of the mouth that requires immediate attention and is appropriately treated by a dentist.

2) Determinations concerning what constitutes an emergency dental procedure are based on x-rays, if a problem is readily identifiable by x-ray, the dentist is not required to request prior approval, if the x-ray does not readily indicate the problem, the dentist should seek prior approval.

3) Prior to payment, each claim will be reviewed for medical necessity and for true emergency status.

- b) Prior approval is required for:

- 1) Space maintainers;
- 2) Crowns;
- 3) Endodontics;
- 4) Periodontics;
- 5) Dentures;
- 6) Bridgework;
- 7) Orthodontics. Medically necessary orthodontic treatment is approved for children. The Department's consultant shall make these determinations. Medically necessary orthodontic treatment is defined as:
  - A) treatment necessary to correct a condition which scores 42 points or more on the Salzmann Index, or
  - B) treatment necessary to correct a condition that constitutes a handicapping malocclusion. (A malocclusion is handicapping if there is an impairment of or a hazard to the ability to eat, chew, speak or breathe that is related to the malocclusion.)

8) Extractions of impacted teeth;

9) Alveoloplasty;

10) Cyst excisions;

11) Frenulectomy;

12) Analgesia (nitrous oxide);

13) Dental services not included in the Department's Schedule of Dental Procedures (See Table D at the end of this Part).

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b) The dentist may request post-approval when a dental procedure requiring prior approval is provided on an emergency basis. Approval of the procedures shall be given if, in the judgment of a consulting dentist of the Department or a consulting dental service, the procedure is necessary to prevent dental disease or to restore and maintain adequate dental function to assure good bodily health and the well-being of the patient.

c) Payment for complete and partial dentures is limited to one set every five years if necessary to replace lost, broken or unusable dentures; payment for a bridge is limited to once in five years. Bridgework will be reimbursed only if there has not been placement of a partial denture within the prior five years.

d) Root canals, apexification, and apicoectomy procedures are covered for children for anterior teeth, bicuspids, and permanent first molars. Root canals are covered for adults only for anterior teeth.

e) Full mouth series of x-rays are covered only once every three years.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Public Library Construction Grants

- 2) Code Citation: 23 Ill. Adm. Code 3060

- 3) Section Numbers: Proposed Action:

3060.100 Amendment  
 3060.400 Amendment  
 3060.500 Amendment  
 3060.600 Amendment  
 3060.800 Amendment  
 3060.900 Amendment

- 4) Statutory Authority: Implementing the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking changes grant funding amounts and clarifies construction priorities and eligibility requirements.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? Yes

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The construction grant program will make mini-grants that require no matching funds available to the public libraries that have the lowest property tax base. Maximum and minimum grant amounts are revised in order to make best use of the grant funds.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments and questions should be mailed, faxed, or sent electronically within 45 days after publication of these proposed amendments in the *Illinois Register* to:

Ms. Kathleen L. Bloomberg  
 Associate Director for Communications & Planning  
 Illinois State Library  
 300 S. Second Street  
 Springfield IL 62701-1796  
 217/785-0052  
 217/782-8261 FAX  
 kbloom@library.sos.state.il.us INTERNET

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- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Allows eligible organizations to apply for grants from the Illinois State Library.

B) Reporting, bookkeeping or other procedures required for compliance: Minimal

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

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## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
 SUBTITLE B: CULTURAL RESOURCES  
 CHAPTER I: SECRETARY OF STATE

## PART 3060

## PUBLIC LIBRARY CONSTRUCTION GRANTS

## SUBPART A: INTRODUCTION

## Section

3060.100 Program Purpose

3060.200 Duty to Administer

3060.400 Definitions

## SUBPART B: GRANT APPLICATION

## Section

3060.500 Priorities in Library Grant Construction Proposals

3060.600 Grant Funding Limitations

3060.700 The Chicago Public Library Branches

3060.800 Grant Application Procedure

3060.900 Requirements and Conditions of Grant Funds

3060.1000 Remodeling for Accessibility

3060.1100 Disbursement of Grant Funds

## SUBPART C: APPEAL PROCEDURE

## Section

3060.2000 Appeal Procedure

## APPENDIX A EDA Qualified Areas (Repealed)

AUTHORITY: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

SOURCE: Emergency rules adopted and codified at 7 Ill. Reg. 2017, effective January 28, 1983, for a maximum of 150 days; emergency expired June 27, 1983; adopted at 8 Ill. Reg. 2510, effective February 10, 1984; Part repealed, new Part adopted by emergency action at 9 Ill. Reg. 4560, effective March 20, 1985, for a maximum of 150 days; emergency expired August 17, 1985; Part repealed, new Part adopted at 9 Ill. Reg. 15004, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 17885, effective November 4, 1985, for a maximum of 150 days; emergency expired April 3, 1986; amended at 10 Ill. Reg. 20002, effective November 19, 1986; amended at 12 Ill. Reg. 11264, effective July 1, 1988; emergency amendment at 17 Ill. Reg. 18687, effective October 12, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 4996, effective March 14, 1994; amended at 19 Ill. Reg. 12493, effective August 22, 1995; amended at 20

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Ill. Reg. 13078, effective September 20, 1996; emergency amendment at 20 Ill. Reg. 15081, effective November 7, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 4981, effective April 3, 1997; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: INTRODUCTION

## Section 3060.100 Program Purpose

To establish a program of matching State grants to aid in paying for the construction costs of public libraries and facilities for library systems within Illinois. Local money except as provided in subsection (c) below will be matched by State grants based on the category of grant as follows:

- a) Remodeling for Accessibility. Special projects where 70% - 100% of total project funds are to be used specifically for remodeling an existing building as outlined in Section 3060.1000. The State's share shall be 50% of the project's total cost.
- b) Projects involving new construction, additions to and/or remodeling of existing buildings, conversion of buildings not currently used for library services, energy conservation projects, and renovation projects, including projects involving shared use of public facilities. For shared use public facilities, the costs allocated to the public library portion of the building are the only costs eligible for reimbursement under this grant program. The State's share shall be a maximum of 50% 40% of the project's total cost.
- c) Mini-grants. Special grants to enable public libraries with limited funds to remodel or refurbish the library. These projects include (but are not limited to) new carpeting, new furnishings, remodeling, and interior or exterior painting. Libraries receiving mini-grants must address legal requirements for making the building accessible to the handicapped.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 3060.400 Definitions

For the purposes of this Part:

"Act" means the Illinois Library System Act [75 ILCS 10].

"Application round" means the period in which applications for grants are available to prospective applicants and completed applications are reviewed and grants awarded. Prospective grant-applicants may apply during any round-offered.

"Appropriation" means the amount of funds actually approved by the General Assembly for a particular fiscal year and allocated to fund

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the construction grant program under Section 8 of the Illinois Library System Act.

"Construction" includes, but is not limited to:

The construction of new public library and library systems buildings.

The acquisition, expansion, remodeling and/or alteration of existing buildings.

The purchase of initial equipment for new buildings or existing buildings which are being expanded, remodeled, or altered, under this grant.

Any combination of such activities (including architect's fees and the cost of the site if acquired in the last 2 years).

"Equipment" includes:

Machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and all other items necessary for the functioning of a particular facility as a library or as a library system facility. By way of illustration, "equipment" includes, for example, fixtures, furnishings, shelving, and carpeting. "Equipment" does not include, for example, books, periodicals, films, or recordings.

"Intersystem reciprocal borrowing" means reciprocal borrowing transactions involving a lending library and a patron registered as a borrower at a library in another system.

"Library" means a tax-supported public library within an Illinois Library System. "Library" also means a branch library of a main library facility.

"Library building consultant" refers to an individual, chosen by the library, with: a Master's degree in library science from a library school accredited by the American Library Association; and prior experience in at least one library construction project.

"Library system" means an organization defined at Section 2 of the Library System Act.

"Political unit" refers to the local governing authority.

"Public libraries with limited funds" refers to public libraries which would have received an income of less than \$10 \$45 per capita in the

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preceding fiscal year by using a formula whereby the library's equalized assessed valuation is multiplied by .13% and divided by the population of the library's service area.

"State fiscal year" means the period from July 1 through June 30.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: GRANT APPLICATION

## Section 3060.500 Priorities in Library Grant Construction Proposals

Library grant funds for library building construction in any one application round will be awarded according to the following priorities:

- a) Remodeling for Accessibility projects as outlined in Section 3060.1000. A minimum of 25% of the available funding will be allocated to this priority except during those application rounds when the amount of grant funds requested for accessibility projects is less than 25% of the available funding.
- b) Up to 20% or a maximum of \$1 million, whichever is greater, 10% of available funding in a fiscal year will be allocated for mini-grants for public libraries. If there are not enough mini-grant applications that are approved, the remaining funding can be used under subsection (c) of this Section.
- c) Projects involving new construction, additions to and/or remodeling of existing buildings, conversion of buildings not currently used for library services, energy conservation projects, and renovation projects, including projects involving shared use of public facilities.
- d) ~~Library buildings which received any state or federal construction funding, whether under a library construction grant program or a specific appropriation during the three prior state fiscal years--and current state fiscal year.~~

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 3060.600 Grant Funding Limitations

Fiscal limitations on library building construction grants under Section 8 of the Illinois Library System Act shall include the following:

- a) The public libraries in any one county shall not receive more than 50% of the funding in each application round unless there are insufficient applications from libraries in other counties to expend the entire appropriation. Grants to library systems shall not be included in calculating this 50% limitation.
- b) The maximum grant for each library political unit shall be \$250,000

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per annual funding cycle unless there are insufficient applications from other political units to expend the entire appropriation. This subsection (b) shall not be used to award grants in excess of the maximum grants per project specified in subsection (c) of this Section (d)-below.

c) ~~the minimum grant awarded for mini-grants shall be \$57,000; the minimum grant awarded for projects other than mini-grants and remodeling for accessibility shall be \$257,000.~~

c)d) The maximum grant awarded for mini-grants shall not exceed \$50,000 \$357,000; the maximum grant awarded for remodeling for accessibility projects shall not exceed \$150,000 \$757,000; the maximum grant awarded for other projects shall not exceed \$250,000.

d)e) For projects of a unique nature or resulting from a disaster, the Secretary of State, on the advice of the Illinois State Library, may raise the ceiling, award less than the minimum grant amount, make a special grant award and/or allow for consecutive years of funding.

e) Library buildings that received any State or federal construction funding, whether under a library construction grant program or a specific appropriation, under a contract executed during the three prior State fiscal years and the current State fiscal year are not eligible for any construction grant funding under this Part.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 3060.800 Grant Application Procedure

The following application procedures shall apply:

- a) An "Intent to Apply" letter shall be submitted to the respective Regional Planning Commission in advance of the application for a construction grant. A copy of the reply from the applicable Regional Planning Commission and a copy of the "Intent to Apply" letter shall be submitted to the Illinois State Library.
- b) The Illinois State Library shall issue application forms for library construction grants under this program.
- c) Applying libraries and library systems shall submit the completed library construction grant application together with the following documents or written assurances to be eligible for library construction grants although some of the documentation and written assurances may be waived in the application for mini-grants described in Section 3060.100(c) of this Part, upon approval of the Illinois State Library construction consultant. Documentation and written assurances may be waived if they are not relevant to the specific mini-grant. As an example, a legal description of the affected real estate may not be required for a mini-grant project to install carpeting in the existing library building.
- 1) An assurance that the real estate affected by the proposed construction is available to the library or library system.

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2) The legal description of the affected real estate.

3) An assurance that other funds are available or how they will be secured by the library. Funds which will be available upon the grant award may include a mortgage commitment letter from a lender. Assurances from the applicant that various fund-raising activities will be undertaken in the future, where the amount to be raised remains uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3060.100.

4) An assurance that the library will expend 90% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. The final 10% of grant funds will be reimbursed upon receipt by the State Library of the close-out report, including the final audit, if applicable.

5) A building program including preliminary construction plans. For projects with a total cost of over \$150,000, a library building consultant must work with the library in developing the building program.

6) A site plan of the proposed building.

7) An estimated cost per square foot (for additions and new construction).

8) A statement describing the necessity for the proposed project.

9) A statement of plans to meet existing library standards of service ("Serving Our Public: Standards for Illinois Public Libraries" - Chicago, IL, Illinois Library Association, revised edition, 1997 1996). The material incorporated by reference includes no later amendments or editions. This subsection shall not apply to library systems.

10) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.

11) An assurance that the library will secure a fidelity bond naming the Office of the Illinois Secretary of State as the exclusive beneficiary in an amount equal to 1.25 times the grant award.

12) An assurance that construction work will be performed by the lump sum (fixed price) contract method.

13) An assurance that the library will publicly announce all requirements for architectural, engineering, and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices.

14) An assurance that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid.

15) An assurance that all laborers and mechanics employed by the contractor or subcontractors on all construction projects assisted by the Act shall be paid wages at rates not less than

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those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].

- 16) An assurance that a copy of the building permit shall be supplied to the Illinois State Library prior to the actual construction and that the permit shall be posted in a prominent place on the construction site.

- 17) An assurance that all contractors and subcontractors shall comply with the provision of the Copeland Anti-Kick Back Act (40 USC 853e- 276c (1982)) supplemented in U.S. Department of Labor regulations (29 CFR 3 (1985)). The material incorporated by reference includes no later amendments or editions.

- 18) An assurance that contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all Federal and State laws, rules, and regulations which prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age, and physical or mental handicap.

- 19) An assurance that architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].

- 20) An assurance that construction contracts signed by both the library board (or library system board) and contractors will be prepared on standard American Institute of Architecture (AIA) forms that are submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any such contracts between the library board or library system board and contractors if:

- A) The bidding procedure outlined in subsection (c)(14) was not followed.
  - B) The conditions and standards specified in the contract between the Illinois State Library and the library board are not incorporated into the contracts between the library board or library system board and the contractors.
- 21) An assurance that a revised budget will be prepared after bids have been accepted and will be submitted to the Illinois State Library for approval prior to actual construction. Such approval will be based on the exercise of professional judgment to insure that the provision of library services will not be harmed by the changes reflected in the revised budget. Such approval will also be based on the reduction in the contingency line item from 5% in the original budget to 2% of total project cost in the revised budget. Grant monies awarded are based on the amount specified in the original budget; grant awards will not be increased because of subsequent increases in revised budgets.

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- 22) An assurance that a plaque will be placed in the completed building stating that State funds administered by the Secretary of State and State Librarian were used for the building's construction.

- 23) An assurance that permits any agent authorized by the Illinois State Library, upon presentation of credentials to, in accordance with the constitutional limitation on administrative searches, have full access to and the right to examine any records, books, papers, or documents, of the grantee involving transactions related to the grant.

- 24) An assurance that the construction will not commence until the construction contract is fully executed with required signatures by the Secretary of State, the Illinois State Library and the grantee, but will commence within 140 days after the effective date of the grant contract, and that the Project will be completed within a reasonable length of time.

- 25) An assurance that a sign will be displayed on the construction site stating that State funds administered by the Secretary of State and State Librarian are being used for the construction.

- 26) An assurance that the following reports and records will be completed and transmitted to the Illinois State Library: Monthly reports of interest earned on grant funds, quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report which is a final financial and narrative report within 90 days after the completion of the Project; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State.

- A) Financial reports shall show the amount of authorized State and local funds, interest earned on grant funds, expenditures made from grant funds and from interest earned on grant funds, obligated funds by amount and by percentage of line item remaining as compared to the original budget.

- B) Narrative reports shall state the progress of the Project, accomplishments to date, problems encountered, objectives met and unmet, changes implemented, and the percentage of completion of the Project to date.

- C) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the Project. If required by the State, the close-out report shall include a project audit report which shall be completed by an independent certified public accountant or accounting firm using Government Auditing Standards, 1994 revision (U.S. General Accounting Office, Comptroller General of the United States) ~~generally-accepted--accounting-principles~~. The project audit report shall include financial statements and compliance statements (which indicate that grant funds monies have been obligated in compliance with applicable

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laws and regulations of the State of Illinois and this Part).

- 27) An assurance that the building will remain in use as a public library or library system facility for not less than 20 years after its construction unless other use is approved by the Illinois State Library.
- 28) An assurance letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
- 29) An assurance letter from the Illinois State Water Survey Division of the Illinois Department of Energy and Natural Resources stating that the project site is not located in a Special Flood Hazard Area. If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources, the Illinois Department of Transportation, stating that the project meets the requirements of Executive Order 79-4 regarding flood damages
- 30) An assurance that any change in the Plans and Specifications requiring a work change order will be submitted to the Illinois State Library; any change order of \$10,000 or more will be submitted to the Illinois State Library for approval prior to being effected. The change order will be approved if the change does not have an adverse impact on library services.
- 31) An assurance that any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.
- d) All applications will be considered by the Illinois State Library Advisory Committee in accordance with the provisions of this Part.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 3060.900 Requirements and Conditions of Grant Funds

- a) Building Construction Plans
  - 1) Library buildings are to be planned for 20 year population projection (for new construction and additions to buildings).
  - 2) A library building consultant shall be retained by the grantee throughout the planning and construction if the total cost of the project exceeds \$150,000.
  - 3) The architects and/or engineers employed in the design and construction of the project must be registered to practice in the State of Illinois.
  - 4) The library must meet the eligibility criteria to qualify for per capita grants provided in 75 ILCS 10/8.1, and submit an application for such grants. This subsection shall not apply to library systems.
  - 5) The library or system facility shall provide access for the

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physically handicapped as required in Accessibility Standards Illustrated (71 Ill. Adm. Code 400), published by the Illinois Capital Development Board, and shall display the symbol of accessibility.

- b) The library or library system shall own the proposed building site in fee simple title, or show the legal right to use the said premises for a minimum of 20 years ~~an-unlimited-duration~~.
  - c) A project will not be advertised or placed on the market for bidding until the final working drawings and specifications have been approved by the Illinois State Library.
  - d) All contracts for library construction shall be awarded to the lowest qualified bidder on the basis of open competitive bidding; however, if one or more items of construction are covered by an established alternative procedure used by a local unit of government, consistent with State and local laws and regulations, and approved by the Illinois State Library as designed to assure construction in an economical manner consistent with sound business practices, such alternative procedure may be followed, as is consistent with State statutes and local ordinances.
  - e) Contractors and subcontractors shall submit with each request for payment the weekly payroll forms required by the Davis-Bacon Act (40 USC 875-6- 327 et seq. (1982)).
  - f) The library system of which the applicant is a member shall be notified of the proposed project; a copy of the completed application shall be sent to the library system director by the applicant at the time that the paperwork is submitted to the Illinois State Library. This subsection shall not apply where the library system is the applicant.
  - g) The grant recipient must secure a fidelity bond naming the Office of the Illinois Secretary of State as the exclusive beneficiary in an amount equal to 1.25 times the grant award. Failure to submit said fidelity bond by scheduled award date may result in loss of grant.
  - h) The Library Board shall establish and maintain such records and accounts as will permit accurate and expeditious audits at any time, before, during, and after completion of construction; such records shall be retained for not less than the time provided for by the Local Records Act [50 ILCS 205].
  - i) The Library Board shall comply with all applicable provisions of the Illinois Procurement Code ~~Purchasing-Act~~ [30 ILCS 500505].
  - j) The library must permit intersystem reciprocal borrowing.
- (Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF EDUCATION

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- 1) Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3) Section Number:
- |        |                        |
|--------|------------------------|
| 25.110 | <u>Adopted Action:</u> |
| 25.115 | Repeal                 |
| 25.120 | New Section            |
| 25.125 | Repeal                 |
| 25.130 | New Section            |
| 25.135 | Repeal                 |
| 25.137 | New Section            |
| 25.140 | Repeal                 |
| 25.145 | New Section            |
| 25.150 | Repeal                 |
| 25.155 | New Section            |
| 25.160 | New Section            |
| 25.165 | New Section            |
| 25.485 | Repeal                 |
| 25.620 | Amendment              |
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Amendments: June 14, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? The amendments do not include an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.
- 8) A copy of these adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 16, 1999; 23 Ill. Reg. 2440
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR.
- 13) Will this amendment replace an emergency amendment currently in effect?  
No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This set of amendments contains the changes that will be needed to put in place a new system of accreditation and approval for teacher preparation institutions and their programs. It begins the transition to a system of program approval based on content standards for the various areas of teaching. In addition, it incorporates the standards used by the National Council on Accreditation of Teacher Education (NCATE) to accredit "educational units", i.e., the institutions or colleges, schools, departments, or other administrative bodies within institutions that are primarily responsible for the preparation of teachers and other education professionals.
- These changes cannot take place all at once, requiring us to put in place several sets of interim provisions in addition to the description of the system that will ultimately be in place. On one hand, the State Board's goal of implementing a system based on alignment with the NCATE standards for educational units has been widely known in the teacher preparation community for several years, and all institutions have already had an opportunity to become familiar with these standards.
- On the other hand, the changes that institutions will have to make in their various programs to respond to content standards will take longer and cannot be fully set in motion until all the sets of content standards are available. In order to provide all affected institutions with adequate notice of these standards and time to respond to them, full reliance on them will not take effect until July 1, 2003.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. Long  
Division of Professional Development Redesign  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001  
(217) 782-2805

The full text of the adopted amendments begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

PART 25  
CERTIFICATION

## SUBPART A: DEFINITIONS

## Section

- 25.10 Definition of Terms Used in This Part  
 25.11 New Certificates (July 1, 1999)  
 25.15 Standards for Certain Certificates

## SUBPART B: CERTIFICATES

## Section

- 25.20 State Elementary School Certificate  
 25.30 State High School Certificate  
 25.40 State Special Certificate  
 25.43 Standards for Certification of Special Education Teachers  
 25.45 Standards for the Standard Special Certificate--Speech and Language Impaired  
 25.50 General Certificate  
 25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects  
 25.65 Alternative Certification  
 25.67 Alternative Route to Teacher Certification  
 25.70 State Provisional Vocational Certificate  
 25.75 Part-time Provisional Certificates  
 25.80 Early Childhood Certificates  
 25.90 Transitional Bilingual Certificate and Examination  
 25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate  
 25.99 Endorsing Teaching Certificates

SUBPART C: APPROVING THE TEACHER EDUCATION PROGRAMS OF THE  
TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

## Section

- 25.110 System of Approval: Levels of Approval (Repealed)  
 25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs  
 25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)  
 25.125 Fifth-Year Review  
 25.130 Procedures for Initial Recognition as a Teacher Education Institution

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## (Repealed)

- 25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through June 30, 2003  
 25.137 Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999, through June 30, 2000  
 25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia (Repealed)  
 25.145 Approval of New Programs Within Recognized Institutions  
 25.150 The Periodic Review Process (Repealed)  
 25.155 Initial Recognition Procedures Effective July 1, 2000  
 25.160 Notification of Recommendations; Decisions by State Board of Education  
 25.165 Discontinuation of Programs

## SUBPART D: SCHOOL SERVICE PERSONNEL

## Section

- 25.210 Requirements for the Certification of School Social Workers  
 25.220 Requirements for the Certification of Guidance Personnel  
 25.230 Requirements for the Certification of School Psychologists  
 25.240 Standard for School Nurse Endorsement

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF  
ADMINISTRATIVE AND SUPERVISORY POSITIONS

## Section

- 25.310 Definitions (Repealed)  
 25.311 Administrative Certificate  
 25.313 Alternative Route to Administrative Certification  
 25.315 Renewal of Administrative Certificate  
 25.320 Application for Approval of Program (Repealed)  
 25.322 General Supervisory Endorsement  
 25.330 Standards and Guide for Approved Programs (Repealed)  
 25.333 General Administrative Endorsement  
 25.344 Chief School Business Official Endorsement  
 25.355 Superintendent

## SUBPART F: GENERAL PROVISIONS

## Section

- 25.405 Military Service  
 25.410 Revoked Certificates  
 25.415 Credit in Junior College  
 25.420 Psychology Accepted as Professional Education  
 25.425 Individuals Prepared in Out-of-State Institutions  
 25.427 Three-Year Limitation  
 25.430 Institutional Approval  
 25.435 School Service Personnel Certificate--Waiver of Evaluations  
 25.437 Equivalency of General Education Requirements

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25.440 Master of Arts NCATE  
 25.442 Illinois Teacher Corps Programs  
 25.445 College Credit for High School Mathematics and Language Courses  
 25.450 Lapsed Certificates  
 25.455 Substitute Certificates  
 25.460 Provisional Special and Provisional High School Certificates  
 25.465 Credit  
 25.470 Meaning of Experience on Administrative Certificates  
 25.475 Certificates and Permits No Longer Issued  
 25.480 Credit for Certification Purposes  
 25.485 Provisional Recognition of Institutions (Repealed)  
 25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime  
 25.493 Part-Time Teaching Interns  
 25.495 Approval of Out-of-State Institutions and Programs  
 25.497 Supervisory Endorsements

SUBPART G: THE UTILIZATION OF TEACHER AIDES AND  
 OTHER NONCERTIFIED PERSONNEL

Section  
 25.510 Teacher Aides  
 25.520 Other Noncertificated Personnel  
 25.530 Specialized Instruction by Noncertificated Personnel  
 25.540 Approved Teacher Aide Programs

## SUBPART H: CLINICAL EXPERIENCES

Section  
 25.610 Definitions  
 25.620 Student Teaching  
 25.630 Pay for Student Teaching

## SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section  
 25.705 Purpose - Severability  
 25.710 Definitions  
 25.715 Test Validation  
 25.717 Test Equivalence  
 25.720 Applicability of Testing Requirement  
 25.725 Applicability of Scores  
 25.728 Use of Basic Skills Test at Time of Entry into Teacher Education  
 25.730 Registration  
 25.732 Late Registration  
 25.733 Emergency Registration  
 25.735 Frequency and Location of Examination  
 25.740 Accommodation of Persons with Special Needs  
 25.745 Special Test Dates

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25.750 Conditions of Testing  
 25.755 Voiding of Scores  
 25.760 Passing Score  
 25.765 Individual Test Score Reports  
 25.770 Rescoring  
 25.775 Institution Test Score Reports  
 25.780 Fees  
 APPENDIX A Statistical Test Equating - Certification Testing System  
 APPENDIX B Certificates Available Effective July 1, 1999  
 APPENDIX C Exchange of Certificates  
 APPENDIX D National Board and Master Certificates

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231 = 7 effective JUN 14 1999.

SUBPART C: APPROVING THE TEACHER EDUCATION PROGRAMS OF THE  
 TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

## Section 25.110 System of Approval: Levels of Approval (Repealed)

a) Authority

1) The system of institutional recognition and program approval described in this Subpart has been developed pursuant to Section 21-21 of the School Code [105 ILCS 5/21-21]. This statute authorizes the State Board of Education through the State Superintendent of Education, in consultation with the State Teacher Certification Board, to recognize institutions and approve courses of study in those institutions recognized for the preparation of teachers and school service supervisors and administrative personnel.

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- 2) This system of recognition and approval is directly related to the process of certification of educational personnel which has been adopted by the General Assembly and the State Board of Education as administered by the State Board of Education. The certification of educational personnel depends upon the process of institutional recognition and program approval which the State Board of Education establishes and monitors.
- b) Institutional Recognition and Program Approval
- i) Institutional recognition and program approval bind together the pre-service preparation of educational personnel and the granting of the appropriate certificates and endorsements. Under this system the judgments concerning individuals in the process of certification are shared by the institutions and the state. The recommendation of recognized institutions that a candidate be certified is accepted by the State Board of Education as verification that the candidate has satisfactorily completed all of the requirements of the certification statutes and relevant rules and has successfully completed an approved program leading to the certification and endorsement for which the candidate is recommended.
- c) Institutional Recognition and Program Approval
- i) It is the responsibility of institutions to demonstrate compliance with applicable statutes and the requirements set forth herein. Evidence that these requirements are not adhered to shall either lead to provisional approval or to denial of approval for the program(s) that are not in compliance and to the institution being placed on provisional recognition for a period not to exceed three years after which, if noncompliance persists, recognition may be withdrawn. Deviation from requirements set forth herein is allowable only with the prior approval of the State Superintendent of Education in consultation with the State Teacher Certification Board. Certification requests for deviation from these requirements will be permitted when a specific need for the proposed program deviation is established; minimum statutory requirements are met; and the program while deviating from existing rules provides adequate and defensible preparation.
- i) Conditions Requiring Recognition and Approval
- A) Institutional Recognition is required:
- i) When an institution which is not recognized intends to conduct approved teacher education programs and
- i) Every five years after initial recognition.
- B) Program Approval is required:
- i) When an institution proposes to conduct a program not currently approved;
- i) When an institution significantly modifies the content, experiences, sequence or procedures of a program; and
- i) At the time of the fifth year reviews.
- e) Consortium Approval is required:

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- i) When two or more institutions enter into agreements to provide educational services in connection with a teacher education program; and
- i) Every five years.
- 2) Revals of Recognition and Approval
- A) Initial Recognition as a Teacher Education Institution
- When an institution not having recognition intends to conduct approved teacher education programs, the State Superintendent of Education in consultation with the State Teacher Certification Board may take one of the following actions:
- i) Grant recognition which authorizes the institution to recommend candidates for certification by entitlement and conduct approved teacher education programs for five years;
- i) Grant provisional recognition which authorizes the institution to conduct approved teacher education programs and recommend candidates by entitlement under conditions and limitations stipulated by the State Superintendent of Education in consultation with the State Teacher Certification Board; or
- i) Deny recognition and prohibit the institution from conducting teacher education programs.
- B) New or Modified Program
- When an institution proposes to sponsor a new program or to significantly modify an approved program, the State Superintendent of Education in consultation with the State Teacher Certification Board may take one of the following actions:
- i) Grant approval which authorizes the institution to conduct the proposed or modified program for five years;
- i) Grant provisional approval which authorizes the institution to conduct the proposed or modified program under stipulated conditions and limitations; or
- i) Deny approval of the proposed or modified program.
- 3) Fifth Year Review
- Subsequent to completion of a fifth year review, the State Superintendent of Education in consultation with the State Teacher Certification Board may take one or more of the following actions:
- A) Grant recognition to the institution and its programs authorizing the institution to conduct approved programs for five years;
- B) Grant provisional recognition to the institution or provisional approval of one or more of the programs conducted by the institution; provisional recognition of

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- the institution--authorizes--the institution to continue to conduct approved programs under--stipulated--conditions--and limitations-----Provisional approval of a program authorizes the institution to conduct the program under stipulated conditions and limitations, or
- 6) Denial--recognition--of--the institution or approval of one or more of the programs conducted by the institution-----Denial of--recognition of the institution prohibits the institution from conducting approved programs-----Evidence--that--an institution--is conducting its teacher education programs in violation of Illinois Statutes governing the education and certification--of--educational--personnel--will--lead--to immediate denial of--recognition--of--the institution-----In other instances, denial of recognition will become effective within--a period of two years with the date specified by the State Superintendent of Education in consultation with the State Teacher Certification Board.
- 4) Conditions for Awarding Recognition and Approval Status
- The--State--Superintendent of Education in consultation with the State Teacher Certification Board, may grant or deny recognition or approval under the following stipulated conditions:
- A) Recognition or approval may be granted only when the institution or program complies sufficiently with the criteria presented in Section 25-118 of this Part;
- B) Provisional recognition or approval may be granted only when an institution or a program does not comply sufficiently with one or more of the criteria presented in Section 25-118 of this Part but provides evidence of plans and resources to comply sufficiently within a period not to exceed three years-----Provisional recognition or approval may not be granted in the absence of notifying the institution of the stipulated conditions and limitations imposed upon it or upon one of its programs, or
- 6) Recognition or approval may be denied only when--an institution or a program does not comply sufficiently with the standards and criteria for approval presented in Section 25-120 of this Part-----Recognition or approval may not be denied in the absence of notifying the institution of the reason(s) for denial.
- 5) Voluntary Request for Withdrawal of Recognition or Approval
- Any institution voluntarily wishing to have recognition of the institution or approval of a program withdrawn shall notify the Secretary of the State Teacher Certification Board in writing of its desire--and--request--appropriate action by the State Superintendent of Education in consultation with the State Teacher Certification Board.
- 6) Use--of--Recognition--and--Approval--Status--in--Institutional Publications

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- An institution shall indicate in its publications, including its catalogs:
- A) The last date on which the institution was recognized and its programs were approved;
- B) Programs which may be pending approval; and
- C) Those programs that are not approved.
- 7) Institutional eligibility for Initial Recognition under this Manual
- A) The institution is approved as--a--degree-granting institution--if the institution is subject to provisions of the institution of learning Powers Act (110-IBC5-50);
- B) The institution sponsors a course of study leading to an appropriate baccalaureate or higher degree and awards the degree; and
- C) The institution proposes to conduct at least one approved teacher education program.
- 8) Institutional Appeals Procedure
- A) Cause--Any institution which has formally requested recognition or approval of a program and wherein the State Teacher Certification Board or the State Superintendent of Education or both has recommended or granted provisional recognition or approval or has recommended denial or has denied recognition or approval may appeal such actions.
- B) Notice--An aggrieved institution shall file notice of appeal within thirty (30) days after receiving notification of--a--Board recommendation or within (30) days after receiving notification of action by the State Superintendent of Education--Notices of appeal shall be filed through the United States mail service with the Secretary of the State Teacher Certification Board.
- C) Preliminary Hearings--Upon receipt of notification, the Secretary will designate after consultation with the aggrieved institution, a hearing officer who will at the expense of the State Board of Education conduct a preliminary hearing to determine if substantive grounds for appeal exist--Such grounds will be limited to:
- i) Alleged incompetence of visitation team;
- ii) Alleged gross misinterpretation of evidence supplied by the institution; or
- iii) Alleged arbitrary or capricious action on the part of the State Superintendent of Education or the State Teacher Certification Board.
- B) The hearing officer will after reviewing evidence emerging from the hearing, recommend to the State Superintendent of Education:
- i) That an appeal be granted; or
- ii) That an appeal be denied.
- B) When Appeal is Granted--The appeal will be heard within

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sixty (60) days after the hearing officer has presented his/her recommendation for granting an appeal. This hearing shall be limited to the scope of the grievances as delimited by the hearing officer. Evidence of the program or institutional changes subsequent to action of the State Superintendent or of Education or the State Teacher Certification Board will not be admissible. Either the State Superintendent or the Board, subsequent to the hearing, may recommend or grant approval, provisional recognition or approval or deny recognition or approval.

F) Costs: All costs for preliminary hearings and any appeals hearings except those incurred by the institution, shall be borne by the State Board of Education.

G) Counsel: At all times, the institution, the State Superintendent of Education or the Board may elect to be represented by an attorney.

H) After exhaustion of the appeals process, institutions may seek further remedies under the Administrative Review Law (235 ILCS 5/Art. 3):

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(Source: Repealed at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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### Section 25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs

In order for an Illinois institution of higher education to offer one or more teacher preparation programs, that institution must be recognized, and the educational unit responsible for such program(s) must be accredited, by the State Board of Education in consultation with the State Teacher Certification Board. "Educational unit" means the institution or college, school, department, or other administrative body within the institution that is primarily responsible for the initial and continuing preparation of teachers and other education professionals. Specific teacher preparation programs offered by recognized institutions must also be individually approved by the State Board of Education in consultation with the State Teacher Certification Board.

- a) An institution shall be recognized if it:
  - 1) is approved as a degree-granting institution, if the institution is subject to provisions of the Institution of Learning Powers Act [110 ILCS 50];
  - 2) sponsors a course of study leading to an appropriate baccalaureate or higher degree and awards the degree; and
  - 3) conducts or proposes to conduct at least one approved teacher education program.
- b) An educational unit shall be accredited if the institution meets the standards enumerated in "Standards, Procedures and Policies for the Accreditation of Professional Education Units" (1995), published by

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the National Council for the Accreditation of Teacher Education (NCAE), 2010 Massachusetts Avenue, N.W., Suite 500, Washington, D.C. 20036-1023 (no later amendments to or editions of these standards are incorporated by this Section).

c) A teacher preparation program shall be approved if it meets the applicable content standards established by the State Board of Education, except as provided in Section 25.135 or Section 25.137 of this Part.

d) The accreditation of an educational unit and the approval of its programs shall be subject to review every five years. Fifth-Year Review shall be conducted as provided in Section 25.125 of this Part and decisions regarding continued accreditation and approval shall be made as provided in that Section, except as provided in Section 25.135 or 25.137 of this Part.

e) No later than October 1 of each year, each accredited educational unit shall submit to the State Superintendent of Education an annual report which describes any changes in the unit or its program(s), updates any information previously provided if needed, and/or documents how the unit has addressed any applicable standard(s) identified during the most recent review of the unit and its programs as not met or met with areas of weakness.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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### Section 25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)

- a) Standards for Recognition of Institutions
- Only those institutions which evidence and subsequently maintain sufficient competence with the following standards will be recognized as teacher education institutions:
- 1) Institutional support for teacher education programs, these standards measure the institution's commitment to sponsoring teacher education programs and its capability to fulfill that commitment for the period of recognition.
  - A) The institution has articulated a statement of its mission or goals and the mission or goals include and are consistent with the sponsorship of teacher education programs.
  - B) The institution evidences continuing availability and commitment of fiscal, human, and other resources adequate to conduct approved teacher education programs.
  - C) The institution has developed and maintains an administrative and policy development structure which provides the capability to undertake the coordination, planning, and evaluation processes necessary to the conduct of teacher education programs.
  - B) The institution presents documentation of the need for its

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programs, including an analysis of the available supply of teachers in the subject-matter field and/or grade-level being proposed.

- 2) Admissions, Retention, and Recommendation for Certification. The standards under this heading require evidence that the institution has established criteria and procedures for admission, retention, and recommendation for certification. These criteria and procedures must be neutral with respect to personal characteristics or background irrelevant to an individual's successful completion of a program and anticipated success in a certificated role in the Illinois public schools.

A) The institution has established a written recruitment plan detailing the procedures it follows in its efforts to attract students from diverse economic, racial, and cultural backgrounds to the teacher preparation programs. The institution follows written procedures for admitting students to the institution and to teacher preparation programs and undertakes continuous evaluation for retention in the institution and in the program. Such procedures shall minimally include the requirements set forth in Article 21 of the School Code (105 IBCS 5/Art. 21). The written procedures establish the criteria to be used at the checkpoints of:

- i) admission to the institution;
  - ii) admission to teacher education, including, but not limited to, assessing proficiency in reading, mathematics, and language arts;
  - iii) admission to student teaching; and
  - iv) at the time of recommendation for certification.
- The criteria used at the second and successive checkpoints shall be more rigorous than those used at the preceding checkpoint.

- B) The institution has established and implemented procedures for assessing the candidate's abilities which were acquired prior to admission to the program and for planning the candidate's program in light of that assessment. A candidate evidencing appropriate or required knowledge, skills, and attitudes may qualify for advanced placement or credit by successfully completing appropriate examinations or other assessment procedures as presented by a recognized institution.

- E) The institution has not established and does not follow policies or procedures which intentionally or unintentionally discriminate on the basis of race, color, national origin, or irrelevant physical conditions. A educational institution shall not have established and does not follow policies or procedures which intentionally or unintentionally discriminate on the basis of sex.

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- B) The institution provides teacher education candidates with a written copy of students' responsibilities and rights and procedures for enforcing those responsibilities and rights. Causes for grievances shall include but not be limited to arbitrary or capricious institutional behavior in regard to:
- i) admission to a teacher education program;
  - ii) admission to the student teaching program or other clinical experience;
  - iii) dismissal from the teacher education program including clinical or student teaching experiences;
  - iv) evaluation of the candidate's performance in courses, clinical or student teaching settings, or any other regularly provided or required activity having a direct bearing on the candidate's being recommended for certification or for employment; or
  - v) failure to recommend the candidate for certification when required in a timely fashion.

Such procedures shall allow students to be represented by an attorney.

- B) The institution provides evidence of systematic counseling services designed to identify potential teacher education candidates and to provide advice and counsel to those considering enrolling or already admitted into teacher education programs. Such counseling shall include reliable information based on the institution's past experience concerning prospects for employment in the candidate's chosen field.

- B) The institution has established written procedures and criteria for determining whether a candidate will be recommended for certification by entitlement.

- 3) General Features of Teacher Education Programs. These standards assess the institution's general capability to sponsor teacher education programs and its commitment to designing and redesigning teacher education programs responsive to the needs of public education in the State of Illinois.
- A) The institution provides under its control or by contractual arrangement with other approved post-secondary institutions programs offering balanced and interrelated learning experiences:

- i) in the humanities, social sciences, and the natural sciences;
- ii) in a subject area(s) taught in Illinois public schools or necessary for preparation to assume supervisory school service or administrative roles in Illinois public schools; and
- iii) in professional studies and experiences including clinical experience in school or community settings throughout the preparation period.

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- B) Institutions must enter into written agreements with authorities in charge of clinical sites. These agreements must describe the responsibilities of the candidate, the institution, and the clinical site.
- i) All clinical experiences must be supervised by qualified personnel.
- ii) Student teaching must be conducted under close and competent supervision. The institution must insure that the system of supervision generates enough valid documentation and evidence that a decision regarding a candidate's success or lack of success can be made and defended.
- e) The institution maintains a learning environment supportive of programs which provide candidates with awareness, appreciation, and knowledge of cultural pluralism and a commitment toward the acquisition of skills on how to work with culturally distinctive students.
- B) The institution has established a continuous process for the evaluation of its teacher education programs and graduates. Evidence that the results of this evaluation together with consultation with school personnel and community persons and groups are used in the development of new programs and modification of existing programs shall be presented.
- b) Criteria for Approval of Programs
- Only those programs evidencing sufficient compliance with the following criteria will be approved. The term "program" refers to a structured sequence of learning activities and experiences which is designed to lead to a specific certificate and endorsement.
- i) Relationship of Program to Public School Needs
- These criteria measure a specific program's relationship to the needs of public schools generally and those of Illinois public schools particularly.
- A) The program provides for acquisition of knowledge, attitudes, and skills necessary for effective performance in specific teaching, supervising, school service, or administrative roles.
- B) The program is carefully planned, set of experiences designed to develop the capacities and abilities that have been identified as a result of attention to public school needs.
- e) The program develops the candidate's understanding and awareness of the unique nature of distinct cultural and ethnic groups as well as the relationships among these groups.
- B) The program provides evidence that its faculty has the opportunity to participate directly in elementary and secondary school programs or community service programs and that educational personnel working in the elementary and

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- secondary schools have the opportunity to participate directly in the program in a role other than that of student.
- 2) The Design of the Program
- These criteria require that a program for the preparation of educational personnel demonstrate coherence and integrity.
- A) The program has a rationale and related set of objectives which describe the intent of the program and which enable evaluation of it.
- B) The program includes study of theoretical formulations of learning processes and their pedagogical implications with emphasis on these implications for the candidate's specialization.
- e) The program provides learning experiences enabling candidates to become aware of and responsive to the varied educational needs and the distinct cultural backgrounds of students to the extent practicable in addition and demonstrate abilities to work with students of culturally diverse backgrounds.
- B) The program provides systematic procedures for evaluating the candidate's ability to teach, supervise or administer.
- B) The program provides for continuous evaluation including evaluation of current students and graduates and for program modifications based on evaluation.
- B) The program provides a sound basis for continued study and acquisition of knowledge and skills.
- 3) Program Resources
- These criteria require evidence that sufficient resources are allocated to support the program to insure its being conducted as described.
- A) The program is supported by adequate and sufficient faculty instructional resources and clinical settings.
- B) The program has and is attracting or is realistically expected to attract sufficient students to enable adequate evaluation of the program.
- e) Eligibility and Standards for Approval of Consortium Programs
- i) A consortium among recognized teacher education institutions in which one or more have an approved program in the area, in which the consortium wishes to sponsor programs will be approved upon meeting the following standards.
- A) The institution at which the student is enrolled as a teacher education candidate awards the degree and recommends certification.
- B) The arrangements are set forth in a written agreement between or among participating institutions with assurance that students enrolled in the consortium sponsored program should the institution agree to cease these efforts will be

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- able-to-finish-the-program-in-a-timely-fashion-
- E) The-consortium-sponsored-program-is-the-same-or-virtually the-same-as-the-approved-program-
- 2) A-consortium-among-recognized-teacher-education-institutions-in which-none-of-the-institutions-has-an-approved-program-in-the proposed-area(s)-will-be-approved-upon-meeting-the-following standards:
- A) The-institution-at-which-the-student-is-enrolled-as-a teacher-education-candidate-awards-the-appropriate-degree and-recommends-certification;
- B) The-proposed-program(s)-meet(s)-the-criteria-for-programs presented-herebefore;
- C) There-exists-a-written-agreement-specifying-the-arrangements for-the-conduct-of-the-consortium-and-program-and-the agreement-provides-that-students-enrolled-in-the-program(s) will-be-allowed-to-complete-the-program(s)-in-a-timely fashion-should-the-consortium-be-disbanded;
- 3) A-consortium-among-a-recognized-teacher-education-institution(s) and-another-approved-post-secondary-educational-institution(s)-or organization(s)-not-recognized-for-purposes-of-teacher-education will-be-approved-upon-meeting-the-following-standards:
- A) The-degree-and-recommendation-for-certification-are-issued by-a-recognized-teacher-education-institution;
- B) The-proposed-program(s)-meet(s)-the-criteria-for-approval-of programs-presented-herebefore;
- C) The-nonrecognized-institution-or-organization-has-been approved-under-applicable-provisions-of-the-Higher-Education Act-(10-1B65-50);
- D) There-exists-a-legally-enforceable-agreement-or-contract between-and-among-participants-in-the-consortium-sponsored program-describing-arrangements-responsibilities-and financing-of-the-operations-and-assuring-that-students enrolled-in-the-program(s)-will-be-allowed-to-complete-the program-in-a-timely-fashion;

(Source: Repealed at 23 Ill. Reg. 7281, effective

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## Section 25.125 Fifth-Year Review

The requirements of this Section shall apply to Fifth-Year Reviews that take place on or after July 1, 2003. The review visits conducted pursuant to this Section shall occur between March 1 and May 31 and between September 1 and November 30 and shall be scheduled for the mutual convenience of the affected institution and the review panel. In addition to the requirements expressed in this Section, institutions seeking to achieve or retain accreditation by the National Council on Accreditation of Teacher Education (NCATE) shall submit to NCATE the number of copies of reports and other documents required by that

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## organization.

- a) No later than March 1 (for a spring review) or September 1 (for a fall review) of the year before the year when its Fifth-Year Review will be held, the institution shall submit five copies of each curriculum portfolio that is due for review (which may, however, be communicated electronically when such communication is authorized by the State Superintendent). A program's curriculum portfolio is due for review if:
- 1) a portfolio for the program has never been reviewed before as part of the State program approval process;
  - 2) the portfolio was not reviewed by a State content-area review panel in the course of the institution's immediately preceding Fifth-Year Review;
  - 3) a significant change has been made in the program since the portfolio was most recently reviewed, e.g., a component has been added or deleted, the program's content has been altered, or changes have been made in the way in which the program addresses the relevant content standards established by the State Board of Education; or
  - 4) the content standards for the program have been changed and the change was effective no fewer than 18 months prior to the date for the Fifth-Year Review.
- b) Curriculum portfolios shall contain:
- 1) an overview of the knowledge base, philosophy of preparation, and goals and objectives of the program;
  - 2) a description of the course of study, including field experiences, student teaching, and internships for candidates;
  - 3) a description of how the program meets the applicable content standards established by the State Board of Education;
  - 4) the program's faculty and its organizational location within the professional education unit; and
  - 5) the number of graduates from the program over the most recent three years.
- c) A panel established by the State Superintendent shall review the curriculum portfolio of each affected teacher preparation program. The members of each panel shall be chosen from a pool of individuals with expertise in the respective content area.
- 1) No later than 30 days after the State Superintendent receives a portfolio, staff shall notify the affected institution as to whether the portfolio is complete pursuant to subsection (b) of this Section.
  - 2) An institution may provide additional material to complete a portfolio within 30 days after receiving a notification to the effect that a portfolio is incomplete.
  - 3) No later than August 1 (before a spring visit) or February 1 (before a fall visit), the review panel shall notify the affected institution of any applicable standards not addressed in its portfolio, as well as any deficiencies which, if not improved,

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- will be identified as areas of weakness in the panel's report.
- 4) No later than November 1 (before a spring visit) or May 1 (before a fall visit), the affected institution may submit revisions to a curriculum portfolio that may include descriptions of changes in the program made in response to the preliminary information provided by the panel pursuant to subsection (c)(3) of this Section.
- 5) No later than 60 days before the scheduled date of the review visit referred to in this Section, each review panel shall submit to the affected institution and to the State Superintendent a report describing the degree to which the program meets the applicable content standards established by the State Board of Education and recommending action with respect to the proposed program.
- d) No later than 60 days before the date of a scheduled review visit, the affected institution shall submit to the State Superintendent 30 copies of a narrative (which narrative, may, however, be communicated electronically when such communication is authorized by the State Superintendent) providing:
- 1) an overview of the institution, including its mission, any special characteristics, a description of any branch campuses, and any other information that may help the review team understand the institution;
  - 2) either a narrative showing how the educational unit meets each of the standards referred to in Section 25.115(b) of this Part, if the institution is also seeking to achieve initial accreditation of its educational unit by the National Council for the Accreditation of Teacher Education (NCATE), or a summary of changes and new initiatives for each category of those standards; and
  - 3) the unit's plans for developing and improving its professional education programs during the next five years.
- e) A review team shall be empaneled to conduct an on-site review to verify the information provided by the institution as required by subsection (d) of this Section. The review team shall be constituted as provided in subsection (e)(1) or (e)(2) of this Section, depending upon whether the institution is also seeking to achieve or retain accreditation of its educational unit by NCATE.
- 1) Institutions Not Seeking NCATE Accreditation  
From a pool of individuals who have been trained in the program approval standards and procedures, the State Superintendent shall empanel a team to conduct the on-site review. The review team shall be chaired by a staff member of the State Board of Education.
  - 2) Institutions Seeking to Achieve or Retain NCATE Accreditation  
From a pool of individuals who have been trained in the program approval standards and procedures, the State Superintendent shall select members to serve on a joint review team with

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- representatives of NCATE's Board of Examiners to conduct the on-site review. The review team shall be co-chaired by a staff member of the State Board of Education and a member of NCATE's Board of Examiners.
- f) The review team shall visit the institution and verify the degree to which the educational unit meets the standards referred to in Section 25.115(b) of this Part.
  - g) The review team shall prepare a draft report during the on-site visit, taking into account the recommendations arising from the review of curriculum portfolios as outlined in subsection (c) of this Section. This draft report shall be provided to the institution within 30 days after the conclusion of the visit for the purpose of allowing the institution to correct any factual errors.
  - h) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report's findings or a rejoinder to those findings. Staff of the State Board of Education shall convey to the State Teacher Certification Board the institutional report, the review team's report, the institution's letter of agreement or rejoinder, and the results of the portfolio review, as well as NCATE's accreditation decision regarding the educational unit if applicable and available.
  - i) After consideration of the information submitted pursuant to subsection (i) of this Section, the Certification Board shall convey to the State Superintendent a recommendation as appropriate to the circumstances, in keeping with the provisions of subsection (k) of this Section.
  - k) To the extent possible, the possible outcomes of Fifth-Year Review shall mirror those used in the NCATE system of review, so that Illinois institutions desiring both national accreditation through NCATE and the State recognition, accreditation, and program approval required pursuant to this Subpart C will not be caused to duplicate their efforts or undergo duplicate reviews.
- 1) Fifth-Year Review applies to educational units that have already been accredited by the State Board of Education in consultation with the State Teacher Certification Board. Further, pursuant to the provisions of Sections 25.135 and 25.137 of this Part, all existing educational units will undergo one Fifth-Year Review prior to July 1, 2003, during which the NCATE standards will be applied. All these educational units will therefore subsequently be treated procedurally as if seeking continuing accreditation from NCATE. When one of these institutions is subject to Fifth-Year Review, the State Teacher Certification Board may recommend that the State Board of Education:
- A) Continue the accreditation of the educational unit (which may include the identification of areas of weakness), thereby authorizing the institution to conduct its approved program(s) and to recommend candidates for certification by entitlement; or

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- B) Place the educational unit on probation.
- 2) The provisions of subsection (k)(1) of this Section notwithstanding, an institution not affiliated with NCATE may decide to seek NCATE accreditation at any time, thus becoming subject to NCATE's initial review cycle. (If NCATE accreditation is sought other than in conjunction with a scheduled Fifth-Year Review, a Fifth-Year Review shall be conducted as described in this Section, and the schedule for subsequent Fifth-Year Reviews shall be altered accordingly.) When this is the case, the State Teacher Certification Board may recommend that the State Board of Education:
- A) Continue the accreditation of the educational unit (which may include the identification of areas of weakness), thereby authorizing the institution to conduct its approved program(s) and to recommend candidates for certification by entitlement; or
  - B) Continue the accreditation of the educational unit with stipulations, identifying deficiencies or areas of noncompliance that must be addressed by the institution within a specific timeframe not to exceed 18 months from the date of the stipulations; or
  - C) Place the educational unit on probation.
- 3) An institution to which stipulations have been issued pursuant to any provision of this Subpart C may submit to the State Superintendent of Education a written response indicating how the institution has addressed the stipulations at any time before the specified deadline. Staff of the State Board of Education shall convey the institution's response to the State Teacher Certification Board, which shall convey to the State Superintendent of Education its recommendation either:
- A) that the stipulations be removed; or
  - B) that the unit be placed on probation because one or more deficiencies have not been adequately corrected.
- 4) An institution whose educational unit has been placed on probation shall undergo another review visit not later than two years after probationary status is issued, with a schedule of intermediate visits to be established as the circumstances may warrant. Revocation of the unit's accreditation may be recommended by the State Teacher Certification Board to the State Board of Education based on a report from the staff conducting any such intermediate visit that yields evidence that needed improvements are not in progress, that previously identified deficiencies have worsened, or that new deficiencies have arisen. In the event that the probationary period extends for the full two years, however, the following requirements and procedures shall apply:
- A) Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State

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- Superintendent a narrative showing how the educational unit meets each of the standards referred to in Section 25.115(b) of this Part.
- B) A review team shall be empaneled as described in subsection (e) of this Section.
  - C) The review team shall visit the institution, verify the information provided, prepare a report, provide that report to the institution, make corrections as necessary, and provide its final report to the institution and to the State Superintendent of Education as provided in subsections (f) and (g) of this Section.
  - D) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report's findings or a rejoinder to those findings.
  - E) Staff of the State Board of Education shall convey to the State Teacher Certification Board the institutional report, the review team's report, the institution's letter of agreement or rejoinder, and the results of any portfolio review involved, as well as NCATE's accreditation decision regarding the educational unit if applicable and available.
  - F) After consideration of the information submitted pursuant to subsection (k)(4)(E) of this Section, the Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:
    - i) Continue the accreditation of the educational unit (which may include the identification of areas of weakness), thereby authorizing the institution to conduct its approved program(s) and to recommend candidates for certification by entitlement; or
    - ii) Continue the accreditation of the educational unit with stipulations, identifying deficiencies or areas of noncompliance that must be addressed by the institution within a specific timeframe not to exceed 18 months from the date of the stipulations; or
    - iii) Revoke the educational unit's accreditation, thereby prohibiting the institution from conducting any teacher education programs and recommending candidates for certification by entitlement.
  - G) An educational unit that retains its accreditation after a review visit pursuant to this subsection (k)(4) shall be subject to Fifth-Year Review again five years after that review visit.
- 1) The State Teacher Certification Board shall also convey to the State Superintendent a recommendation regarding each teacher preparation program offered by the affected educational unit.
- 1) The Certification Board may recommend approval of programs that meet the applicable content standards; or

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- 2) The Certification Board may recommend provisional approval of programs whose curriculum portfolios are found to exhibit less than full compliance with the applicable content standards.
- m) No later than 18 months after provisional approval of a program is granted by the State Board of Education, the institution shall submit to the State Superintendent a revised curriculum portfolio, which shall be reviewed as provided in subsection (c) of this Section. Staff of the State Board of Education shall thereupon convey to the State Teacher Certification Board the report of the review panel. After consideration of this report, the Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:

- 1) Continue the approval of the affected program, thereby authorizing the institution to continue offering it; or
- 2) Revoke the program's approval, thereby prohibiting the institution from continuing to offer it; discontinuation of a program under these circumstances shall be subject to the requirements of Section 25.165 of this Part.

- n) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.

(Source: Added at 23 Ill. Reg.

**7231**

**JUN 14 1999**

effective

### Section 25.130 Procedures for Initial Recognition as a Teacher Education Institution (Repealed)

the following procedures outline in chronological order the steps to be followed when an institution seeks recognition as a teacher education institution:

- a) The chief executive officer of the institution shall notify the Secretary of the State Teacher Certification Board in writing of the institution's intent to seek recognition as a teacher education institution.
- b) Upon receipt of the institution's notice, the Secretary shall notify appropriate staff in the State Board of Education.
- c) State Board of Education staff will be assigned to provide assistance to the institution as it prepares the documentation required to demonstrate sufficient compliance with standards for institutional recognition.
- d) Twenty copies of this documentation are to be supplied by the institution to the Secretary of the State Teacher Certification Board.
- e) The State Board of Education will arrange for a team to visit the institution with expenses of the team borne by the State Board of Education.
- f) The State Board of Education staff will prepare a report based on the institution's documentation and the visitation which will be

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- transmitted to the Secretary of the State Teacher Certification Board. After receiving a request for consideration from the chief executive officer of the institution, the Secretary will review this report and file a recommendation for appropriate action with the State Teacher Certification Board.
- h) The State Teacher Certification Board will make one of the following recommendations to the State Superintendent of Education:
- 1) To grant recognition;
  - 2) To grant provisional recognition; or
  - 3) To deny recognition.
- i) The State Superintendent of Education will review the State Teacher Certification Board's recommendation and will notify the chief executive officer regarding whether recognition is granted or denied.

(Source: Repealed at 23 Ill. Reg.

**7231**

**JUN 14 1999**

effective

### Section 25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through June 30, 2003

The requirements set forth in this Section shall apply to the continuing accreditation of educational units and the continuing approval of teacher preparation programs subject to Fifth-Year Review on or after July 1, 2000, but before July 1, 2003. In addition to complying with the requirements of this Section, institutions seeking to achieve or retain NCATE accreditation shall submit to NCATE such reports and other documents as that organization may require, according to the timelines established by NCATE.

- a) Institutions Seeking Initial NCATE Accreditation or Not Seeking NCATE Accreditation

- 1) Not later than 90 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent 30 copies of a written description of the educational unit (which may, however, be communicated electronically when such communication is authorized by the State Superintendent) including:
  - A) its mission, purposes, or goals, its authority and responsibilities for professional education, and its coordination of the institution's various teacher preparation programs;
  - B) identification of the dean, chair, or director who is officially designated to represent the educational unit and is assigned the authority and responsibility for its overall administration and operation; and
  - C) the written policies and procedures which guide the operations of the educational unit.

- 2) Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent 30 copies of a narrative (which may, however, be communicated

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electronically when such communication is authorized by the State Superintendent) showing how the educational unit meets or plans to address each of the standards referred to in Section 25.115(b) of this Part.

- 3) Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent five copies or, if authorized by the Superintendent, an electronic version of:

- A) a report containing an analysis of the changes that will be needed in the individual teacher preparation programs in order to meet the applicable content standards established by the State Board of Education, and the status of any changes already made in those programs; and
- B) for one program selected by the institution, a sample curriculum portfolio that meets the requirements of Section 25.125(b) of this Part.

## b) Institutions Seeking Continued NCATE Accreditation

- 1) Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent 30 copies or, if authorized, an electronic version, and to NCATE the number of copies required by NCATE, of a report summarizing:

- A) changes and new initiatives for each category of the standards referred to in Section 25.115(b) of this Part; and
- B) the unit's plans for developing and improving its professional education programs during the next five years.

- 2) Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent five copies or, if authorized, an electronic version of the material specified in subsection (a)(3) of this Section.

## c) All Institutions

- 1) The requirements of subsection (a)(3)(B) of this Section may be met, at the institution's option, by presenting a portfolio that has already been prepared for review as part of NCATE's program review process.

- 2) A review team shall be empaneled as described in Section 25.125(e) of this Part. The review team shall visit the institution, verify the information provided, prepare a report, provide that report to the institution, make corrections as necessary, and provide its final report to the institution and to the State Superintendent of Education as provided in Section 25.125(f) and (g) of this Part.

- 3) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report's findings or a rejoinder to those findings.

- 4) Staff of the State Board of Education shall convey to the State Teacher Certification Board the institutional report, the review team's report, the institution's letter of agreement or

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rejoinder, and a statement as to whether the status report and curriculum portfolio comply with the applicable requirements of subsection (a) or (b) of this Section, as well as NCATE's accreditation decision regarding the educational unit if applicable and available.

- 5) After consideration of the material submitted, and based upon whether the report of the review team indicates that the unit meets the standards referred to in Section 25.115(b) of this Part or has a time-specific plan for meeting those standards no later than June 30, 2003, the Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:

- A) Continue accreditation of the educational unit and approval of the affected teacher education program(s), thereby authorizing the educational unit to conduct the approved program(s) and to recommend candidates for certification by entitlement; or

- B) Require the submission of additional information and/or correction of specified weaknesses within a timeframe not to exceed 18 months before continuing the unit's accreditation or the approval of the affected program(s).

- d) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.

(Source: Added at 23 Ill. Reg. effective JUN 14 1999 **7231**)

Section 25.137 Interim Provisions for Continuing Accreditation and Approval — July 1, 1999, through June 30, 2000

The requirements set forth in this Section shall apply to the continuing accreditation of educational units and the continuing approval of teacher preparation programs subject to Fifth-Year Review on or after July 1, 1999, but before July 1, 2000. In addition to complying with the requirements of this Section, institutions seeking to achieve or retain NCATE accreditation shall submit to NCATE such reports and other documents as that organization may require, according to the timelines established by NCATE.

- a) Institutions Seeking Initial NCATE Accreditation or Not Seeking NCATE Accreditation

Each institution shall submit to the State Superintendent of Education the materials called for in Section 25.135(a) of this Part, according to the timelines specified in that Section, except that:

- 1) the analysis called for in Section 25.135(a)(3)(A) of this Part shall indicate how the institution will approach the restructuring of its teacher preparation programs to respond to content standards; and
- 2) the requirement for a curriculum portfolio (see Section

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- 25.135(a)(3)(B) of this Part) shall not apply.
- b) Institutions Seeking Continued NCATE Accreditation Each institution shall comply with the requirements of Section 25.135(b) of this Part.
- c) All Institutions

1) A review team shall be empaneled as described in Section 25.125(e) of this Part. The review team shall visit the institution, verify the information provided, prepare a report, provide that report to the institution, make corrections as necessary, and provide its final report to the institution and to the State Superintendent of Education as provided in Section 25.125(f) and (g) of this Part.

2) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report's findings or a rejoinder to those findings.

3) Staff of the State Board of Education shall convey to the State Teacher Certification Board the institutional report, the review team's report, the institution's letter of agreement or rejoinder, and a statement as to whether the status report complies with the applicable requirements of subsection (a) or (b) of this Section, as well as NCATE's accreditation decision regarding the educational unit if applicable and available.

4) After consideration of the material submitted, and based upon whether the report of the review team indicates that the unit meets the standards referred to in Section 25.115(b) of this Part or has a time-specific plan for meeting those standards no later than June 30, 2003, the Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:

- A) Continue accreditation of the educational unit and approval of the affected teacher education program(s), thereby authorizing the educational unit to conduct the approved program(s), and to recommend candidates for certification by entitlement; or
- B) Require the submission of additional information and/or correction of specified weaknesses within a timeframe not to exceed 18 months before continuing the unit's accreditation or the approval of the affected program(s).
- d) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.

(Source: Added at 23 Ill. Reg. 7381, effective JUN 14 1999)

Section 25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia (Repealed)

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- a) Institutions must present a completed proposal for a new or amended program six months before planned implementation of the program.
- b) Approval for a modified program must be sought when substantive but not-nominal modifications in content, experiences, sequence, or procedures of an already approved program are proposed.
- c) Notice of nominal modifications shall be provided to the Secretary of the State Teacher Certification Board.
- d) The following procedures shall be followed in seeking approval of a new or amended program:

1) The institution's designated chief educational officer shall notify the Secretary of the State Teacher Certification Board, in writing, of the institution's intent to seek approval of a teacher education program or substantive modification of a currently approved program.

2) Upon receipt of the institution's notice, the Secretary shall notify appropriate State Board of Education staff of the institution's intent.

3) State Board of Education staff will be assigned to provide assistance to the institution as it develops the documentation required to demonstrate sufficient compliance with criteria for program approval.

4) Twenty (20) copies of this documentation shall be transmitted to the Secretary of the State Teacher Certification Board.

5) State Board of Education staff will transmit a report of findings based on the institution's documentation to the Secretary of the State Teacher Certification Board.

6) After receiving a request for consideration from the institution's designated officer, the Secretary will review this report and file a recommendation for appropriate action with the State Teacher Certification Board.

7) The State Teacher Certification Board will make one of the following recommendations to the State Superintendent of Education:

- A) To grant approval;
- B) To grant provisional approval; or
- C) To deny approval.

8) The State Superintendent of Education will review the State Teacher Certification Board's recommendation and will notify the institution's designated officer regarding approval granted or denied.

e) The following procedures outline in chronological order the steps to be followed when approval for a consortium is sought:

- 1) An officer of a recognized teacher education institution designated by the participants in the consortium shall notify the Secretary of the State Teacher Certification Board, in writing, of the consortium's intent to seek approval of a program.
- 2) Upon receipt of notice, the Secretary shall notify appropriate State Board of Education staff of the institution's intent.

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- 3) State--Board--of--Education--staff--will--be--assigned--to--provide assistance--to--the--institution--as--it--develops--the--documentation required--to--demonstrate--sufficient--compliance--with--criteria--for program--approval;
- 4) twenty--(20)--copies--of--this--documentation--are--to--be--supplied--by the--consortium--and--shall--be--transmitted--to--the--Secretary--of--the State--Teacher--Certification--Board;
- 5) if--deemed--necessary--the--State--Board--of--Education--will--arrange for--a--team--to--visit--the--institutions--in--the--consortium--with expenses--of--the--team--borne--by--the--State--Board--of--Education;
- 6) State--Board--of--Education--staff--will--transmit--a--report--of--its findings--based--on--the--documentation--and--any--visitation--to--the Secretary--of--the--State--Teacher--Certification--Board;
- 7) the--Secretary--will--review--this--report--and--file--a--recommendation for--appropriate--action--with--the--State--Teacher--Certification Board;
- 8) the--State--Teacher--Certification--Board--will--make--one--of--the following--recommendations--to--the--State--Superintendent--of Education:  
 A) to--grant--approval;  
 B) to--grant--provisional--approval--or  
 C) to--deny--approval;
- 9) the--State--Superintendent--of--Education--will--review--the--State Teacher--Certification--Board's--recommendation--and--will--notify--the designated--officer--regarding--the--kind--of--approval--granted--or denied;

(Source: Repealed at 23 Ill. Reg. **7231**, effective  
JUN 14 1999)

## Section 25.145 Approval of New Programs Within Recognized Institutions

- a) The procedures set forth in this subsection (a) shall apply beginning July 1, 2000, to the initial approval of additional teacher preparation programs established by institutions that are already recognized, as well as to the approval of programs proposed by consortia. A consortium is a partnership involving two or more teacher education institutions with accredited educational units, or one or more such institutions and one or more not-for-profit organizations in the State which support excellence in teaching and/or one or more school districts. Each consortium shall designate from among its members an institution of higher education whose schedule for Fifth-Year Reviews shall apply to the consortium's programs also.
- 1) The institution shall submit to the State Superintendent of Education five copies or, if authorized, an electronic version of a curriculum portfolio meeting the requirements of Section 25.125(b) of this Part, showing how each proposed program meets the applicable content standards established by the State Board

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- of Education.
- 2) A panel established by the State Superintendent shall review the curriculum portfolio. The members of the panel shall be chosen from a pool of individuals with expertise in the respective content area.
- A) No later than 30 days after the State Superintendent receives a portfolio, staff shall notify the affected institution as to whether the portfolio is complete pursuant to Section 25.125(b) of this Part.
- B) An institution may provide additional material to complete a portfolio within 30 days after receiving a notification to the effect that a portfolio is incomplete.
- C) The review panel shall notify the affected institution of any applicable standards not addressed in its portfolio, as well as any deficiencies which, if not improved, will be identified as areas of weakness in the panel's report.
- D) The affected institution may submit revisions to a curriculum portfolio that may include descriptions of changes in the program made in response to the preliminary information provided by the panel pursuant to subsection (a)(2)(C) of this Section.
- E) The interaction described in subsections (a)(2)(C) and (D) of this Section shall be repeated until the institution requests that the panel submit its final report.
- F) The review panel shall submit to the affected institution and to the State Superintendent a report describing the degree to which the program meets the applicable content standards established by the State Board of Education and recommending action with respect to the proposed program.
- 3) Staff of the State Board of Education shall convey to the State Teacher Certification Board the report and recommendations resulting from the portfolio review.
- 4) After consideration of the information and recommendations, the Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:
- A) Approve the proposed new teacher education program(s), thereby authorizing the educational unit to conduct the program(s) and to recommend candidates for certification by entitlement; or
- B) Deny approval of the proposed program(s), thereby prohibiting the conduct of the affected program(s).
- 5) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.
- b) The requirements of this subsection (b) shall apply from July 1, 1999, through June 30, 2000, to the initial approval of additional teacher preparation programs established by institutions that are already recognized, as well as to the approval of programs proposed by

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## consortia.

1) The institution shall submit to the State Superintendent of Education 30 copies of a narrative or, if authorized, an electronic version demonstrating that:

A) the program provides for the acquisition of the knowledge, attitudes, and skills necessary for effective performance in specific teaching, supervisory, school service, or administrative roles;

B) the program consists of a carefully planned set of experiences designed to develop the capacities and abilities that have been identified as a result of attention to public school needs; and

C) the structure of the program will permit content standards established by the State Board of Education to be addressed once such standards become effective.

2) Staff of the State Board of Education shall convey to the State Teacher Certification Board the information submitted by the institution.

3) After consideration of the information and any pertinent staff recommendations, the Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:

A) Approve the proposed new teacher education program(s), thereby authorizing the educational unit to conduct the program(s) and to recommend candidates for certification by entitlement; or

B) Deny approval of the proposed program(s), thereby prohibiting the conduct of the affected program(s).

4) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.

(Source: Added at 23 Ill. Reg.

JUN 14 1999 effective

## Section 25.150 The Periodic Review Process (Repealed)

Each recognized teacher education institution in the State of Illinois will be reviewed at least once every five years (the Fifth Year Review):

a) The Secretary of the State Teacher Certification Board will notify institutions of pending Fifth Year Reviews. Such notifications shall be given at least one academic year in advance of scheduled visits. The institution will be asked to identify acceptable dates within a ten-week span.

b) After a visitation date has been established, a representative of the State Board of Education will be appointed to provide assistance to the institution as it prepares for the Fifth Year Review.

c) The institution will prepare a self-study report with the assistance

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of the State Board's representative. Copies of this report will be delivered to the State Board of Education.

d) A chairperson for the Fifth Year Review will be appointed by the Secretary of the State Teacher Certification Board. The chairperson will then select individuals to serve on the team visiting the institution:

e) The team will visit the institution. In most cases, the visit will last three days. All expenses of the visiting team will be paid by the State Board of Education. The team will assess the institution and its programs in terms of the institutional standards and program criteria found in Section 25.110 of this Part.

f) Using the reports submitted by team members, the chairperson will compile a team report. The report will be submitted to individuals team members and to the institution for validation of the accuracy of the report. Team members and the institution will provide any corrections to the team chairperson within a reasonable period of time.

g) A fully validated report will serve as a basis for recommendations to be made to the State Teacher Certification Board. In all cases, the institution will be provided a copy of the final draft of the team report along with any recommendations.

h) The State Teacher Certification Board will review the institutional self-study report, the validated team report, and any recommendations presented by the State Board of Education staff. A representative of the institution is encouraged to be present at the time the results of the fifth year review are considered by the Board. The State Teacher Certification Board will recommend action to the State Superintendent of Education who will notify the designated institutional officer of its action.

(Source: Repealed at 23 Ill. Reg.

JUN 14 1999 effective

## Section 25.155 Initial Recognition Procedures Effective July 1, 2000

The procedures set forth in this Section shall apply to initial recognition of an institution and the concurrent accreditation of the educational unit and approval of one or more teacher preparation programs within that institution on or after July 1, 2000.

a) The institution shall submit to the State Superintendent of Education 30 copies or, if authorized, an electronic version of a report containing:

1) information indicating that the institution meets the conditions described in Section 25.115(a) of this Part;

2) a written description of the educational unit, including:

A) its mission, purposes, or goals, its authority and responsibilities for professional education, and its coordination of the institution's various teacher

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## preparation programs:

- B) Identification of the dean, chair, or director who is officially designated to represent the educational unit and is assigned the authority and responsibility for its overall administration and operation; and
- C) the written policies and procedures which guide the operations of the educational unit; and
- 3) a narrative showing how the educational unit meets each of the standards referred to in Section 25.115(b) of this Part.
- b) With regard to each program for which approval is sought, the institution shall submit to the State Superintendent of Education five copies or, if authorized, an electronic version of a curriculum portfolio meeting the requirements of Section 25.125(b) of this Part. An institution shall submit its curriculum portfolios no later than March 1 (for a spring review) or September 1 (for a fall review) of the year before the year in which it anticipates being ready for institutional review pursuant to subsection (d) of this Section.
- c) A panel established by the State Superintendent shall review the curriculum portfolio of each proposed teacher preparation program. The members of each panel shall be chosen from a pool of individuals with expertise in the respective content area.
- 1) No later than 30 days after the State Superintendent receives a portfolio, staff shall notify the affected institution as to whether the portfolio is complete pursuant to Section 25.125(b) of this Part.
- 2) An institution may provide additional material to complete a portfolio within 30 days after receiving a notification to the effect that a portfolio is incomplete.
- 3) No later than August 1 (before a spring visit) or February 1 (before a fall visit), the review panel shall notify the affected institution of any applicable standards not addressed in its portfolio, as well as any deficiencies which, if not improved, will be identified as areas of weakness in the panel's report.
- 4) No later than November 1 (before a spring visit) or May 1 (before a fall visit), the affected institution may submit revisions to a curriculum portfolio that may include descriptions of changes in the program made in response to the preliminary information provided by the panel pursuant to subsection (c)(3) of this Section.
- 5) No later than 60 days before the scheduled date of the review visit referred to in this Section, each review panel shall submit to the affected institution and to the State Superintendent a report describing the degree to which the program meets the applicable content standards established by the State Board of Education and recommending action with respect to the proposed program.
- d) From a pool of individuals who have been trained in the program approval standards and procedures, the State Superintendent shall

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empanel a team to conduct an on-site review to verify the information provided by the institution as required by subsection (a) of this Section. The review team shall be chaired by a staff member of the State Board of Education. The review team shall conduct the review visit, prepare its draft and final reports, and submit its final report as provided in Section 25.125(f) and (g) of this Part.

- e) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report's findings or a rejoinder to those findings.
- f) Staff of the State Board of Education shall convey to the State Teacher Certification Board the review team's report and the institution's letter of agreement or rejoinder.
- g) The Certification Board, after reviewing all the relevant materials, shall convey its recommendation to the State Superintendent that the State Board of Education:
- 1) Recognize the institution, accredit the educational unit, and approve one or more proposed teacher education programs, thereby authorizing the educational unit to conduct the approved program(s) and to recommend candidates for certification by entitlement; or
  - 2) Recognize the institution, accredit the educational unit with stipulations, and approve one or more proposed teacher education programs, thereby authorizing the educational unit to conduct the approved program(s) and recommend candidates for certification by entitlement (subject to the requirements of Sections 25.125(k)(2)(B) and (k)(3) of this Part); or
  - 3) Deny recognition of the institution, accreditation of the affected educational unit, or approval of one or more teacher education programs, thereby prohibiting the conduct of the proposed program(s).
- h) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.

(Source: Added at 23 Ill. Reg. effective

JUN 14 1999

7231

### Section 25.160 Notification of Recommendations; Decisions by State Board of Education

- a) The State Superintendent of Education shall notify an affected institution not later than 30 days after receipt of a recommendation from the State Teacher Certification Board pursuant to the provisions of this Subpart C.
- b) The affected institution may submit to the State Superintendent its comments regarding a recommendation by the State Teacher Certification Board, provided that:
- 1) such comments are submitted not later than 30 days after receipt

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- of the notification; and
- 2) the State Teacher Certification Board has recommended either accreditation with stipulations, probation, provisional program approval, a request for additional information, or denial or revocation of accreditation or program approval, as set forth in any of Section 25.125(k)(1)(B), (k)(2)(B), (k)(2)(C), (k)(3)(B), (k)(4), (k)(4)(F)(ii), (k)(4)(F)(iii), or (m)(2), Section 25.135(c)(5)(B), Section 25.137(c)(4)(B), Section 25.145(a)(4)(B) or (b)(3)(B), or Section 25.155(g)(2) or (g)(3) of this Part.
- c) Such comments shall indicate why the institution disagrees with one or more portions of the Certification Board's recommendation and may refer to any document or exhibit that supports the institution's contention in this regard.
- d) The State Superintendent shall forward any such comments to the State Board of Education for its consideration along with the Certification Board's recommendation, as well as any analysis, records, or recommendations the State Superintendent may deem necessary.
- e) No more than 30 days after the State Board of Education makes its decision, the State Superintendent shall notify the institution of the State Board's action.

(Source: Added at 23 Ill. Reg. 7231, effective JUN 14 1999)

## Section 25.165 Discontinuation of Programs

An institution that plans to discontinue an approved program or cease offering teacher preparation programs altogether shall so notify the State Superintendent of Education no later than 30 days prior to taking such action, except that discontinuation of a program shall also be subject to the following additional requirements:

- a) The institution shall assure the State Superintendent that all students currently enrolled in any program scheduled for discontinuation will have an opportunity to complete the program.
- b) The institution shall supply to the State Superintendent the names and Social Security numbers of all students currently enrolled in any program scheduled for discontinuation.

(Source: Added at 23 Ill. Reg. 7231, effective JUN 14 1999)

## SUBPART F: GENERAL PROVISIONS

## Section 25.485 Provisional Recognition of Institutions (Repealed)

Provisional recognition may be awarded to those institutions which are in the process of developing a full program after one year in which classes are in operation.

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(Source: Repealed at 23 Ill. Reg. 7231, effective JUN 14 1999)

## SUBPART H: CLINICAL EXPERIENCES

## Section 25.620 Student Teaching

- a) The State Teacher Certification Board recognizes and accepts student teaching only when it is earned after completion of the sophomore year during the junior and senior years.
- b) Student teaching shall be a continuous experience equivalent to a minimum of ten eight weeks of sustained full-day student teaching.
- c) Student teaching shall be completed at the grade level(s) and in the area of specialization appropriate to the certificate sought. Additional student teaching may occur in areas for which the candidate meets the relevant requirements related to staff qualifications in 23 Ill. Adm. Code 1.
- d) Student teaching must be done under the active supervision of a cooperating teacher who is certificated and qualified to teach in the area and who is directly engaged in teaching subject matter or conducting learning activities in the area of student teaching.
- e) In order for a recognized Illinois teacher education institution to award credit for student teaching, the following requirements must be met:
- 1) The student teacher must be enrolled in a student teaching course at the institution;
  - 2) The student teaching placement and plans must have the prior approval of a designated representative of the teacher education institution; and
  - 3) Plans for the student teaching experience must have been previously discussed and approved by the cooperating teacher.
- f) The student teacher shall not be used as a teacher or substitute teacher.

(Source: Amended at 23 Ill. Reg. 7231, effective JUN 14 1999)

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Determination of Ammonia Nitrogen Water Quality Based Effluent Limits for Discharges to General Use Waters

- 2) Code Citation: 35 Ill. Adm. Code 355

- 3) Section Numbers: Adoption Action:  
 355.101 New Section  
 355.103 New Section  
 355.201 New Section  
 355.203 New Section  
 355.205 New Section  
 355.207 New Section  
 355.209 New Section  
 355.211 New Section  
 355.301 New Section  
 355.303 New Section  
 355.305 New Section  
 355.307 New Section  
 355.309 New Section  
 355.311 New Section  
 355.313 New Section  
 355.315 New Section

- 4) Statutory Authority: Implementing and authorized by Section 39 of the Illinois Environmental Protection Act [415 ILCS 5/39].

- 5) Effective Date of Rule: June 9, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? Yes

- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of proposal published in the Illinois Register: July 17, 1998, 22 Ill. Reg. 12442.

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

1. Delete "355.317 Ammonia Action Levels" in Table of Contents.
2. In Section 355.103 Definitions, change the definition of "7Q10" to "means the average daily flow of the lowest total flow for a seven day

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period that occurs once in a 10 year period".

3. In Section 355.103 Definitions, delete the definition of "AAL".

4. In Section 355.103 Definitions, add "'Kjeldahl' means the total of organic nitrogen and ammonia nitrogen."

5. In Section 355.103 Definitions, delete the definition of "outlier".

6. In Section 355.201 Introduction, add "The Agency may subdivide summer or winter periods into quarterly or monthly segments with analysis of reasonable potential corresponding to those smaller time segments in individual permit applications."

7. In Section 355.201(c), delete "If untreated wastewater contains ammonia nitrogen at levels in which" and insert "If the wastewater prior to treatment contains total kjeldahl nitrogen at levels in which".

8. In Section 355.201(c), after "WQBEL", add "Reasonable potential to exceed water quality standards will be determined consistent with Sections 355.203 through 355.211 of this Part."

9. In Section 355.203, replace subsections (a) and (b) with "a) Where stream specific data is available, that data shall be the basis for the selection of temperature and pH values to be used in converting total ammonia nitrogen to un-ionized ammonia nitrogen. When stream specific data is not available, data from the closest representative Agency water quality monitoring station during the most recent five years will be used in this conversion formula. The temperature will be set at the 75th percentile (75 percent of the values are less than). The pH value will be set at the 75th percentile (75 percent of the values are less than) for determination of both acute and chronic conditions. If the 75th percentile pH value results in a permit limit for chronic exposure conditions (monthly average ammonia permit limit) less than 1.5 mg/L summer limit or 4.0 mg/L winter limit, the values will be recalculated based on a 50th percentile pH value (half the values are less than). The permit limit will then be set at the value derived with a 50th percentile pH as long as that value does not exceed 1.5 mg/L for summer months and 4.0 mg/L for winter months. If a 50th percentile pH value would allow a higher summer limit than 1.5 mg/L, the limit will be set at 1.5 mg/L. If a 50th percentile pH would allow a higher winter limit than 4.0 mg/L, the winter limit would be set at 4.0 mg/L".

10. In Section 355.203, add "b) When sufficient stream specific information is available with simultaneous measurements of total ammonia, pH, and temperature, a conversion relationship reflecting the

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dynamic interaction between pH, temperature and ammonia equilibrium may be developed instead of the approach presented in subsection (a) above."

11. In Section 355.205, delete "at the 95 percentile value" and insert "at the 95th percent upper confidence level" and insert "For new or existing discharges where no prior operating record is available, PEQ shall be estimated based on knowledge of the tributary wastewater characteristics and treatment facility capabilities. For existing sources where the PEQ for the term of the permit cannot be accurately characterized by historical performance data as specified in subsection (a) of this section due to significant changes in tributary loading, plant operating parameters or other factors affecting treatment efficiency during the term covered by the permit, a PEQ representative of the future permit term may be estimated by analysis of the historical data consistent with subparagraph (a) with adjustment of the historical value to reflect the change expected from the anticipated loading or operating changes."

12. In Section 355.209(a), in the definition of Q[d], change "allowing" to "allowed" and add "as determined in accordance with the mixing zone provisions of 35 Ill. Adm. Code 302.102 and implementation procedures adopted thereunder." to the end of that sentence.

13. In Section 355.209(a), add "Effluent flow rate shall be selected to coincide with the critical stream flow condition used to quantify allowed dilution. Typically, this will be estimated to be the average of the lowest three months average flow rate during the previous year for domestic wastewater sources. For industrial and other wastewater sources where flow rates are not directly correlated to climatic patterns, Q[e] will be estimated as the average of the highest three monthly average flow rates. With either approach, Q[e] shall be modified when future flows are expected to vary significantly from historical data."

14. In Section 355.209(b), add "The Agency may subdivide summer or winter periods into quarterly or monthly segments with analysis of reasonable potential correspondings to those smaller time segments in individual permit applications."

15. In Section 355.301 Introduction, delete "a monthly average limit" and insert "limits".

16. In Section 355.301 Introduction, delete "known" and insert "designated".

17. In Section 355.301(a), add "Determination of the aquatic community expected to inhabit the receiving waters shall be consistent with

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stream morphology, particularly physical features and hydrologic regimes of the water body;"

18. In Section 355.307 Determination of EMW Designation, insert "Existing EMW designations are subject to review as to whether requirements for such designations continue to be met at the time of an NPDES permit renewal or modification."

19. In Section 355.313, replace "known to be present or likely to be present" with "expected to exist".

20. In Section 355.315, insert "and in the Illinois Register on a semi-annual basis."

21. Delete Section 355.317 Ammonia Action Levels.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, the changes have been made.

13) Will these rules replace emergency rules currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of the adopted rules: On December 19, 1996 the Illinois Pollution Control Board revised its water quality standards for ammonia nitrogen. When the Agency issues National Pollutant Discharge Elimination System ("NPDES") permits, it must include any effluent limits necessary to meet water quality standards pursuant to 35 Ill. Adm. Code 309.141(d)(1). This Part sets out the procedures that the Agency will follow to determine ammonia nitrogen water quality based effluent limits for discharges to general use waters and to determine effluent modified waters.

16) Information and questions regarding these adopted rules shall be directed to:

Toby Frevert  
Bureau of Water Division of Water Pollution Control  
Illinois EPA  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-1654

The full text of the adopted rules begins on the next page:

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE C: WATER POLLUTION

## CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

## PART 355

DETERMINATION OF AMMONIA NITROGEN WATER QUALITY BASED EFFLUENT LIMITS  
FOR DISCHARGES TO GENERAL USE WATERS

## SUBPART A: INTRODUCTION

Section  
355.101 Purpose, Scope and Application  
355.103 Definitions

## SUBPART B: AMMONIA NITROGEN (as N) WATER QUALITY STANDARDS AND WQBELS

Section  
355.201 Introduction  
355.203 Conversion of Total Ammonia and Un-ionized Ammonia Nitrogen  
355.205 Estimation of Projected Effluent Quality  
355.207 Mixing Allowance  
355.209 Calculation of Preliminary Effluent Limitation  
355.211 Summary of the Results for a Reasonable Potential Analysis and the Determination of Ammonia Nitrogen WQBELS

## SUBPART C: EFFLUENT MODIFIED WATERS

Section  
355.301 Introduction  
355.303 EMW Application Requirements  
355.305 Evaluation of EMW Applications  
355.307 Determination of EMW Designation  
355.309 Procedures for Delineating an EMW  
355.311 Ammonia Nitrogen Decay Equation  
355.313 Restrictions Applicable to Discharges with EMWs  
355.315 Publication of EMWs

AUTHORITY: Implementing and authorized by Section 39 of the Illinois Environmental Protection Act [415 ILCS 5/39].

SOURCE: Adopted JUN 9 1999 at 23 Ill. Reg. 7262, effective

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

## SUBPART A: INTRODUCTION

## ENVIRONMENTAL PROTECTION AGENCY

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## Section 355.101 Purpose, Scope and Application

- a) This Part contains procedures to determine water quality based effluent limits for ammonia nitrogen (as N) (ammonia nitrogen WQBELS) that are necessary to prevent waters of the State from exceeding water quality standards pursuant to 40 CFR 122.44(d)(1) and 35 Ill. Adm. Code 309.141(d)(3). Ammonia nitrogen WQBELS must be sufficient to ensure compliance with the water quality standards for ammonia nitrogen found in the Illinois Pollution Control Board (IPCB) regulations at 35 Ill. Adm. Code 302.202, 302.212, 302.213 and 304.122.
- b) Ammonia nitrogen WQBELS are applicable to the general use waters of the State.
- c) There shall be an opportunity for compliance with the ammonia nitrogen water quality standards as provided by the IPCB regulations through application of allowed mixing, mixing zones and zones of initial dilution at 35 Ill. Adm. Code 302.102 and 302.213.
- d) In addition to water quality based effluent limits, the discharge of ammonia nitrogen from a facility may be limited based on other provisions in the Environmental Protection Act [415 ILCS 5] (Act) and regulations adopted thereunder or the Federal Water Pollution Control Act, 33 USC 1251-1387 (FWPCA) and regulations adopted thereunder.

## Section 355.103 Definitions

All terms in this Part shall have the meanings set forth in the Environmental Protection Act and in the IPCB regulations under 35 Ill. Adm. Code 301 and 302 except, for purposes of this Part, the following definitions apply:

"7Q10" means the average daily flow of the lowest total flow for a seven day period that occurs once in a 10 year period.

"AWQMN" or "Ambient Water Quality Monitoring Network" means the network of sampling stations maintained by the Agency and located on streams throughout the State.

"Agency" means the Illinois Environmental Protection Agency.

"Ammonia decay" refers to the cumulative effect of nitrification, volatilization, plant uptake, and other processes that reduce the concentration of ammonia nitrogen in waters by natural means.

"cfs" means cubic feet per second.

"DAF" means design average flow.

"DMR" means discharge monitoring report.

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"EMW" or "Effluent Modified Water" means those waters or portions of waters that the Agency has determined, pursuant to 35 Ill. Adm. Code 302.213, are not subject to the chronic ammonia nitrogen standards of 35 Ill. Adm. Code 302.212(b).

"PCB" means the Illinois Pollution Control Board.

"ISWS" means the Illinois State Water Survey, a part of the Office of Scientific Research and Analysis in the Illinois Department of Natural Resources.

"Kjeldahl" means the total of organic nitrogen and ammonia nitrogen.

"MGD" means million gallons per day.

"PEL" or "Preliminary Effluent Limitation" is an estimate of an allowable discharge concentration taking into consideration allowed mixing or dilution.

"PEQ" or "Projected Effluent Quality" is the maximum contaminant concentration estimated to be discharged by a facility or activity taking into account statistical analysis of the discharge or activity.

"Reasonable Potential Analysis" or "Reasonable Potential to Exceed" means the procedure to predict whether an existing or future discharge may cause or contribute to a violation of water quality standards, criteria or values.

"Summer" means the months of April through October, inclusive.

"USEPA" means the United States Environmental Protection Agency.

"USGS" means the United States Geological Survey.

"WQBEL" or "Water Quality Based Effluent Limit" means an NPDES permit limit that ensures that applicable water quality standards and criteria are met in waters where such standards and criteria apply.

"Winter" means the months of November through March, inclusive.

## SUBPART B: AMMONIA NITROGEN (as N) WATER QUALITY STANDARDS AND WQBELS

## Section 355.201 Introduction

The need for an ammonia nitrogen (as N) WQBEL is based on the reasonable potential of a discharge to cause or contribute to a violation of the applicable ammonia nitrogen water quality standard. During the NPDES permit review process, the Agency shall conduct an analysis of the reasonable

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potential for ammonia to exceed or contribute to excursions above the ammonia nitrogen water quality standard that may occur in the receiving water. This analysis shall be conducted for both acute and chronic winter and summer ammonia nitrogen water quality standards. The Agency may subdivide summer or winter periods into quarterly or monthly segments with analysis of reasonable potential corresponding to those smaller time segments in individual permit applications.

a) The first step in the reasonable potential analysis is to compare the Projected Effluent Quality (PEQ), as provided in Section 355.205, to the water quality standard as converted to total ammonia nitrogen as provided in Section 355.203. If the PEQ is less than or equal to the water quality standard as converted to total ammonia nitrogen as provided in Section 355.203, then no reasonable potential to exceed the standard exists and no effluent limitation will be established in the permit unless otherwise warranted under subsection (c) of this Section.

b) If the PEQ exceeds the applicable water quality standard as converted to total ammonia nitrogen as provided in Section 355.203, the analysis shall proceed to the second step as provided in Section 355.207.

c) If the wastewater prior to treatment contains total Kjeldahl nitrogen at levels in which a reasonable potential to exceed water quality standards as converted to total ammonia nitrogen as provided in Section 355.203 exists, then the discharge of ammonia nitrogen shall be limited in the NPDES permit by an ammonia nitrogen WQBEL. Reasonable potential to exceed water quality standards will be determined consistent with Sections 355.203 through 355.211 of this part. Even if there appears to be no potential to exceed the water quality standards based on the effluent quality analysis in subsection (a) or (b), an ammonia nitrogen WQBEL shall be established.

## Section 355.203 Conversion of Total Ammonia and Un-ionized Ammonia Nitrogen

The numeric water quality standards for ammonia nitrogen in 35 Ill. Adm. Code 302.212 are established as the un-ionized fraction of the total ammonia nitrogen present, since the un-ionized component more closely relates to the toxicology information utilized in deriving the ammonia nitrogen standard. However, most discharge monitoring data used in deriving a PEQ will be in the form of total ammonia nitrogen. WQBELs will be set as total ammonia nitrogen concentrations. The conversion formula contained in 35 Ill. Adm. Code 302.212 shall be used to estimate the portion of total ammonia nitrogen that exists in the un-ionized condition. The primary variables effecting the equilibrium between ionized and un-ionized fractions are temperature and pH. Both stream temperature and pH can be expected to be different than discharge temperature and pH; therefore, the conversion calculation will be based on conditions expected to exist downstream of the discharge.

a) Where stream specific data is available, that data shall be the basis for the selection of temperature and pH values to be used in converting total ammonia nitrogen to un-ionized ammonia nitrogen.

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When stream specific data is not available, data from the closest representative Agency water quality monitoring station during the most recent five years will be used in this conversion formula. The temperature will be set at the 75th percentile (75 percent of the values are less than). The pH value will be set at the 75th percentile (75 percent of the values are less than) for determination of both acute and chronic conditions. If the 75th percentile pH value results in a permit limit for chronic exposure conditions (monthly average ammonia permit limit) less than 1.5 mg/L summer limit or 4.0 mg/L winter limit, the values will be recalculated based on a 50th percentile pH value (half the values are less than). The permit limit will then be set at the value derived with a 50th percentile pH as long as that value does not exceed 1.5 mg/L for summer months and 4.0 mg/L for winter months. If a 50th percentile pH value would allow a higher summer limit than 1.5 mg/L, the limit will be set at 1.5 mg/L. If a 50th percentile pH would allow a higher winter limit than 4.0 mg/L, the winter limit would be set at 4.0 mg/L.

- b) When sufficient stream specific information is available with simultaneous measurements of total ammonia, pH, and temperature, a conversion relationship reflecting the dynamic interaction between pH, temperature and ammonia equilibrium may be developed instead of the approach presented in subsection (a) above.

## Section 355.205 Estimation of Projected Effluent Quality

The Projected Effluent Quality (PEQ) is the estimation of the maximum expected effluent concentration. Individual PEQs shall be estimated for both summer and winter acute and chronic exposure periods.

- a) The PEQ shall be derived from representative facility specific data to reflect a 95 percent confidence level for the 95th percentile value. These data will be presumed to adhere to a lognormal distribution pattern with a coefficient of variation of 0.6 unless the facility's effluent data demonstrates a different distribution pattern. If facility specific data in excess of 10 data values is available, a facility specific coefficient of variation that is the ratio of the standard deviation to the arithmetic average may be calculated. The PEQ is derived as the upper bound of a 95 percent confidence bracket around the 95th percentile value through a multiplier from the following table applied to the maximum value in the data set that has its quality assured consistent with subsection (e) as appropriate for acute and chronic data sets.

PEQ = (maximum data point)(statistical multiplier)

No. of Samples	Coefficient of Variation		
	0.1	0.2	0.3
1	1.4	1.9	2.6
	3.6	4.7	6.2
	8.0		

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2	1.3	1.6	2.0	2.5	3.1	3.8	4.6
3	1.2	1.5	1.8	2.1	2.5	3.0	3.5
4	1.2	1.4	1.7	1.9	2.2	2.6	2.9
5	1.2	1.4	1.6	1.8	2.1	2.3	2.6
6	1.1	1.3	1.5	1.7	1.9	2.1	2.4
7	1.1	1.3	1.4	1.6	1.8	2.0	2.2
8	1.1	1.3	1.4	1.6	1.7	1.9	2.1
9	1.1	1.2	1.4	1.5	1.7	1.8	2.0
10	1.1	1.2	1.3	1.5	1.6	1.7	1.9
11	1.1	1.2	1.3	1.4	1.6	1.7	1.8
12	1.1	1.2	1.3	1.4	1.5	1.6	1.7
13	1.1	1.2	1.3	1.4	1.5	1.6	1.7
14	1.1	1.2	1.3	1.4	1.4	1.5	1.6
15	1.1	1.2	1.2	1.3	1.4	1.5	1.6
16	1.1	1.1	1.2	1.3	1.4	1.5	1.6
17	1.1	1.1	1.2	1.3	1.4	1.4	1.5
18	1.1	1.1	1.2	1.3	1.3	1.4	1.5
19	1.1	1.1	1.2	1.3	1.3	1.4	1.5
20	1.1	1.1	1.2	1.2	1.3	1.4	1.4
30	1.0	1.1	1.1	1.1	1.2	1.2	1.2
40	1.0	1.0	1.1	1.1	1.1	1.1	1.1
50	1.0	1.0	1.0	1.0	1.0	1.0	1.0
60 or greater	1.0	1.0	1.0	1.0	1.0	1.0	1.0

## Coefficient of Variation

No. of Samples	Coefficient of Variation		
	0.8	0.9	1.0
1	10.1	12.6	15.5
2	5.4	6.4	7.4
3	4.0	4.6	5.2
4	3.3	3.7	4.2
5	2.9	3.2	3.6
6	2.6	2.9	3.1
7	2.4	2.6	2.8
8	2.3	2.4	2.6
9	2.1	2.3	2.4
10	2.0	2.2	2.3
11	1.9	2.1	2.2
12	1.9	2.0	2.1
13	1.8	1.9	2.0
14	1.7	1.8	1.9
15	1.7	1.8	1.8
16	1.6	1.7	1.8
17	1.6	1.7	1.7
18	1.6	1.6	1.7
19	1.5	1.6	1.6
20	1.5	1.5	1.6
30	1.3	1.3	1.3

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40	1.1	1.2	1.2	1.2	1.2
50	1.1	1.1	1.1	1.1	1.1
60 or greater	1.0	1.0	1.0	1.0	1.0

1) If the PEQ determined in this Section is less than or equal to the applicable water quality standard, there is no reasonable potential and no WQBEL will be established in the permit unless otherwise warranted under Section 355.201(c).

2) If the PEQ as determined in this Section exceeds the applicable water quality standard but does not exceed the PEL determined through Section 355.209, there is no reasonable potential and no WQBEL will be established unless otherwise warranted under Section 355.201(c).

b) The Agency shall compare monthly average effluent data values, when available, with the chronic water quality standard to evaluate the need for monthly average WQBEL. If a monthly average WQBEL is included in an NPDES permit, the Agency will also include a daily maximum WQBEL to enforce the acute water quality standard.

c) The Agency may apply other scientifically defensible statistical methods for calculating PEQ at the 95 percent upper confidence level for use in the reasonable potential analysis. For new or existing discharges where no prior operating record is available, PEQ shall be estimated based on knowledge of the tributary wastewater characteristics and treatment facility capabilities. For existing sources where the PEQ for the term of the permit cannot be accurately characterized by historical performance data as specified in subsection (a) of this Section due to significant changes in tributary loading, plant operating parameters or other factors affecting treatment efficiency during the term covered by the permit, a PEQ representative of the future permit term may be estimated by analysis of the historical data consistent with subsection (a) with adjustment of the historical value to reflect the change expected from the anticipated loading or operating changes.

d) Regardless of the statistical procedure used, if the PEQ for ammonia nitrogen (as N) is less than or equal to the water quality standard, the Agency shall deem the discharge not to have a reasonable potential to exceed and a WQBEL shall not be required unless otherwise required under Section 355.201.

e) Data Requirements

The derivation of PEQ is based on the effluent quality demonstrated by self-monitoring data as required by the NPDES permit or Agency-generated data, such as effluent sampling or facility-related stream studies. Effluent data used in the derivation of PEQ shall be representative of the concentration and variability of ammonia nitrogen in the discharge anticipated for the applicable period of the NPDES permit. Data shall be collected and analyzed in accordance with USEPA or Agency approved sampling and analytical methods (40 CFR 136). The following criteria shall be followed in data selection:

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- 1) the most recent five years of data shall be used unless the Agency determines that an alternative period better represents the time period for which effluent quality is being projected. Such alternative time periods may include, but are not limited to, shorter periods that reflect changed discharge characteristics resulting from changes in manufacturing activities or wastewater treatment systems; and
- 2) data anomalies resulting from collection, analysis or recording errors or atypical plant operating conditions may be eliminated from the data.

## Section 355.207 Mixing Allowance

If the PEQ for ammonia nitrogen (as N) is greater than the water quality standard, the Agency shall assess the level of treatment being provided by the discharger. If the discharger is providing (or will be providing) a level of treatment consistent with the best degree of treatment required by 35 Ill. Adm. Code 304.102(a), the PEQ derived under Section 355.205 shall be compared to the PEL determined by applying allowed dilution to the discharge consistent with Section 355.209.

## Section 355.209 Calculation of Preliminary Effluent Limitation

a) The preliminary effluent limitation (PEL) is calculated in a mass balance approach reflecting allowed dilution as referenced in Section 355.207:

$$WQS = [(Q[e])(PEL) + (Q[d])(C[d])]/(Q[e] + Q[d])$$

or

$$PEL = [WQS(Q[e] + Q[d]) - (Q[d])(C[d])]/Q[e]$$

where:

WQS = applicable water quality standard as converted to total ammonia nitrogen pursuant to Section 355.203

Q[e] = effluent flow rate

Q[d] = allowed mixing flow rate as determined in accordance with the mixing zone provisions of 35 Ill. Adm. Code 302.102 and implementation procedures adopted thereunder

C[d] = background ammonia nitrogen (as N) concentration in mixing water

Effluent flow rate shall be selected to coincide with the critical stream flow condition used to quantify allowed dilution. Typically this will be estimated to be the average of the lowest three months average flow rate during the previous year for domestic wastewater

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sources. For industrial and other wastewater sources where flow rates are not directly correlated to climatic patterns, Q[e] will be estimated as the average of the highest three monthly average flow rates. With either approach, Q[e] shall be modified when future flows are expected to vary significantly from historical data.

- b) The reasonable potential analysis shall be completed separately for the winter and summer seasons and for acute and chronic water quality standards. The Agency may subdivide summer or winter periods into quarterly or monthly segments with analysis of reasonable potential corresponding to those smaller time segments in individual permit applications. WQBELs based on the acute water quality standard shall be expressed as a daily maximum, WQBELs based on the chronic water quality standard shall be expressed as a monthly average.

#### Section 355.211 Summary of the Results for a Reasonable Potential Analysis and the Determination of Ammonia Nitrogen WQBELs

- a) If the PEQ determined in Section 355.205 is less than or equal to the applicable water quality standard, there is no reasonable potential and no WQBEL will be established in the permit unless otherwise warranted under Section 355.201(c).
- b) If the PEQ exceeds the applicable water quality standard but does not exceed the PEL determined through Section 355.209, there is no reasonable potential and no WQBEL shall be established unless otherwise warranted under Section 355.201(c).
- c) If the PEQ exceeds the PEL determined through Section 355.209, there is reasonable potential to exceed the standard and the PEL shall be established as the WQBEL.
- d) If a WQBEL is warranted under Section 355.201(c), the WQBEL shall be set at the PEL as determined through Section 355.209.

## SUBPART C: EFFLUENT MODIFIED WATERS

## Section 355.301 Introduction

IPCB regulations at 35 Ill. Adm. Code 302.202, 302.212, 302.213, and 304.122 establish provisions for designating waters as EMWs. EMWs are subject to all general use water quality standards except for the chronic ammonia nitrogen water quality standards of 302.212(b). This Section provides for the designation of an EMW wherein the chronic portion of the un-ionized standard is inapplicable. In lieu of the chronic standard, the IPCB has established discharge restrictions at 35 Ill. Adm. Code 304.122(d) for any discharge tributary to an EMW. These restrictions include limits on discharges at 1.5 mg/L total ammonia nitrogen during the April through October summer season and 4.0 mg/L total ammonia nitrogen during November through March as monthly averages. Beyond these monthly average limits, there is also a provision to assure continuation of the existing level of performance and adherence to the nondegradation provision of 35 Ill. Adm. Code 302.105. The criteria for

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designation of an EMW include two specific provisions: the water body must have the potential to exceed the chronic standard due to a permitted discharge; and the elevated chronic ammonia nitrogen concentration will not adversely impact designated uses of the affected stretch of the water body. EMW status shall be designated in the receiving water body if:

- a) aquatic life expected to exist in the receiving waters is known to be tolerant of the projected ammonia nitrogen concentrations resulting from the treatment plant effluent in conjunction with ambient conditions. Determination of the aquatic community expected to inhabit the receiving waters shall be consistent with stream morphology, particularly physical features and hydrologic regimes of the water body;
- b) the receiving stream does not exceed the acute water quality standard of 35 Ill. Adm. Code 302.212(b); and
- c) the discharger demonstrates a reasonable potential to exceed the chronic ammonia nitrogen standard pursuant to Subpart B of this Part. If an EMW cannot be granted, then monthly average effluent limits in the NPDES permit shall be determined from the procedures for establishing ammonia nitrogen WQBELs pursuant to Subpart B of this Part. If necessary, a schedule to attain compliance with these limits shall also be included in the discharger's NPDES permit.

## Section 355.303 EMW Application Requirements

The Agency shall consider designating a portion of the receiving waterbody as an EMW upon receipt of a valid application for an EMW and when the provisions of this Subpart are met.

- a) All applicants shall provide:

- 1) the name, address and design average flow of the facility;
- 2) all instream ammonia nitrogen, pH and water temperature data collected by or available to the applicant;
- 3) a physical description of the receiving stream including information on depth, substrate, instream cover, average width, percent canopy, riffle-pool sequence, stream gradient and other pertinent factors that the discharger wishes to be considered; and
- 4) any other information concerning the receiving waterbody that the applicant believes is relevant.

Receiving stream information must be collected from the reach anticipated to constitute the requested EMW and continuing downstream for an additional distance comprising 33% of the requested EMW length. Applicants having one or more of the following characteristics shall supply, in addition to the information in subsection (a), information required under subsection (c) below:

- 1) a DAF larger than 0.25 MGD;
- 2) a receiving stream with springs, or other sources of permanent flow constituting 70% flows of greater than zero (excluding the applicant's discharge), upstream or within the reach of the

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- anticipated EMM; or
- 3) a discharge location on a receiving stream evaluated under the Agency's Biological Stream Characterization (BSC) program and having received an "A" or "B" rating, provided the discharge is located no more than four stream miles upstream of the furthest upstream BSC monitored site.
- c) Dischargers applying for EMM status and having one or more of the characteristics of subsection (b) above must also supply the following information:

- 1) Stream survey data that assesses ammonia nitrogen impact to the aquatic life of the receiving stream. Generally, data collected within the past five years that are reflective of current loading, stream flow, and physical conditions are preferred. If none of these factors have significantly changed, older data may suffice. However, any additional data concerning the aquatic life community of the receiving stream must be included in the application as it becomes known to the discharger. The Agency may have previously conducted such studies and these may satisfy this requirement; and
- 2) Data concerning the presence of sensitive species including threatened and endangered federally or State listed aquatic species, self-sustaining populations of cold water species or species of special significance regarding their sensitivity to ammonia nitrogen. Such data may be available from one or more of the following sources or other local or regional sources:
  - A) the Illinois Department of Natural Resources Division of Natural Resources Review & Coordination;
  - B) the report "Biologically Significant Illinois Streams", a publication of the INHS (Center for Biological Diversity Technical Report 1992(1)); or
  - C) local colleges and universities.

**Section 355.305 Evaluation of EMM Applications**

The Agency shall evaluate EMM applications based on all information provided pursuant to Section 355.303, as well as information available from the Agency's monitoring programs. Additionally, the Agency shall seek and obtain information from other Illinois natural resource agencies. Such information shall include the following:

- a) biological studies conducted on the receiving water;
- b) ammonia nitrogen, pH, and temperature data from ambient, intensive basin, or facility-related stream surveys;
- c) ammonia nitrogen, pH and temperature effluent data;
- d) physical instream habitat data; or
- e) total ammonia nitrogen loading and related information attributed to other sources in the affected reach.

**Section 355.307 Determination of EMM Designation**

## ENVIRONMENTAL PROTECTION AGENCY

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Upon evaluating the EMM application and any additional information available, the Agency shall determine whether the receiving stream can be designated as an EMM based on the provisions of 35 Ill. Adm. Code 302.213, 304.122, and 355.305. Existing EMM designations are subject to review as to whether requirements for such designations continue to be met at the time of an NPDES permit renewal or modification.

- a) If the Agency determines that a receiving stream cannot be designated as an EMM, the Agency shall notify the applicant in writing as to its decision and the basis for that decision.
- b) If a receiving stream can be designated as an EMM, the Agency shall issue a public notice that contains:
  - 1) determination of the length of the EMM, and
  - 2) summary of the ecological analysis used in the EMM designation process.

**Section 355.309 Procedures for Delineating an EMM**

The methodology for determining the length of a water body to be designated as EMM shall be based on the chronic total ammonia nitrogen (as N) water quality standard for winter conditions and a decay coefficient representing colder ambient conditions as indicated in Section 355.311. Winter conditions depict the "worst-case" ammonia nitrogen decay rates and are to be used when calculating the reach of a water body to be designated as EMM. This modeling shall be performed in the following manner:

- a) Downstream waters shall be subdivided into segments where discharge and stream cross-sectional area are uniform. Segments will typically begin at confluences with other streams or where additional point sources of total ammonia nitrogen (as N) enter the receiving water.
- b) The DAF for domestic wastewater treatment plants and the maximum flow for industrial plants and other point sources of ammonia nitrogen (as N) downstream will be used as effluent flow rates in the analysis. A 7Q10 flow rate shall be determined for each segment. Discharge rates under 7Q10 conditions are to be obtained from maps generated by the ISWS unless the Agency has previously approved an alternate 7Q10 discharge rate.
- c) The average velocity for each segment shall be derived for 7Q10 discharge conditions. In the absence of field measurements, velocity shall be determined from hydraulic geometry equations derived by the ISWS. These equations are published in the University of Illinois Water Resources Center publication, "WRC Research Report No. 15, Hydraulic Geometry of Illinois Streams" (July 1968), which is hereby incorporated by reference and includes no further editions or amendments. A minimum velocity of 0.2 ft/sec will be used unless field measurements indicate that a different velocity exists during 7Q10 conditions.
- d) The chronic water quality standard shall be converted to total ammonia nitrogen (as N) as outlined in Section 355.203.
- e) The concentrations of ammonia nitrogen in the effluents shall be the

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED RULES

same as the monthly average winter ammonia nitrogen permit limit for the point source. If no monthly average winter ammonia nitrogen permit limit exists, then a value of 4.0 mg/L shall be used.

- f) The ammonia nitrogen concentration at the end of each segment shall be calculated using the equations contained in Section 355.311. The point at which the water quality standard will be met shall be the downstream terminus of the EMW. The length of the EMW shall equal the sum of all segment lengths, but in no case shall be less than 100 yards in length.

- g) The permittee has the opportunity to submit field measurements to be used in this analysis.

**Section 355.311 Ammonia Nitrogen Decay Equation**

A decay equation shall be used to predict instream ammonia nitrogen concentrations at locations downstream of the outfall, thereby determining the linear extent of the EMW.

- a) Modeling of the decay (conversion to nitrite/nitrate) of ammonia nitrogen from a discharge and predicting the levels of ammonia nitrogen at points downstream from the discharge shall follow the decay equation:

$$C[nf] = [(Q[n] C[n] + Q[n-1] C[n-1]) / (Q[n-1] + Q[n])] \times e^{-kt}$$

where the parameters used in the decay equation are defined as follows:

- $C[nf]$  = ammonia nitrogen concentration at the end of segment "n"  
 $t$  = travel time to point "n" (days)  
 $Q[n]$  = additional flow introduced into segment "n" (cfs) (see Section 355.309(b) for initial segment)  
 $C[n]$  = ammonia nitrogen concentration introduced into segment "n" (monthly average effluent limit for initial segment)  
 $Q[n-1]$  = upstream 7Q10 flow rate or flow rate entering segment "n" from previous segment (cfs)  
 $C[n-1]$  = upstream ammonia nitrogen concentration entering segment "n" from previous segment  
 $k$  = first order decay coefficient used in determining the natural biological, physical, and chemical degradation of ammonia nitrogen that occurs. The value of "k" may vary as a function of the receiving stream characteristics. In the absence of stream specific data, a representative value shall be selected from studies of streams with similar characteristics and shall be used in calculations as a default value representative of winter ammonia nitrogen decay.

- b) Where no upstream flow is available for mixing and no additional sources of ammonia nitrogen are present downstream, the equation

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED RULES

reduces to the following:

$$C[nf] = C[n] e^{-kt}$$

where:

$C[nf]$  = the applicable winter chronic water quality standard  
 $C[n]$  = monthly average winter effluent limit

**Section 355.313 Restrictions Applicable to Discharges with EMWs**

When the Agency issues a publication of a draft NPDES permit designating an EMW, effluent limits for ammonia nitrogen shall be protective of the aquatic community expected to exist in the EMW as provided in 35 Ill. Adm. Code 304.122.

- a) In no instance shall these effluent limits exceed 30 day average concentrations of 1.5 mg/L total ammonia nitrogen (as N) during the months of April through October, and 4.0 mg/L total ammonia nitrogen (as N) during the months of November through March.  
 b) When uses are at risk of impact due to increased concentrations of ammonia nitrogen, more stringent 30 day average effluent limits shall be incorporated.  
 c) The draft permit shall also include daily maximum effluent limits for total ammonia nitrogen (as N) and these shall be determined by applying the acute water quality standards of 35 Ill. Adm. Code 302.212(b) pursuant to Section 355.203.  
 d) The Agency shall take final action as to the designation of an EMW concurrent with final NPDES permit issuance.

**Section 355.315 Publication of EMWs**

The Agency shall compile the number and length of EMWs and report the information in each edition of the Illinois Water Quality Report pursuant to Section 305(b) of the Federal Clean Water Act, as amended, 33 USC 1315(b), and in the Illinois Register on a semi-annual basis.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Adopted Action:  
121.107 New Section
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) Effective Date of Amendment: June 18, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 16, 1999, 23 Ill. Reg. 2477
- 10) Has JCAR Issued a Statement of Objections to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Amendment: The New State Food Program is created to provide assistance with the food needs of persons who are ineligible for the Food Stamp Program solely due to citizenship requirements. Individuals must have been legally residing in the U.S. on 08/22/96 and must meet certain citizenship requirements to qualify. Individuals must be parents of children who receive federal food stamps or be age 60 through age 64 and not disabled. Those who qualify for the program will receive \$50 per month. The New State Food Program began on February 1, 1999.
- 16) Information and answers to questions regarding this adopted amendment shall be directed to:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762

Telephone number: (217) 785-9772

The full text of Adopted Amendment begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

## SUBPART A: APPLICATION PROCEDURES

Section	
121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Service
121.10	Interviews

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.18	Work Requirement
121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements
121.24	Individuals Exempt from Work Registration Requirements
121.25	Failure to Comply
121.26	Period of Sanction
121.27	Voluntary Job Quit
121.28	Good Cause for Voluntary Job Quit
121.29	Exemptions from Voluntary Quit Rule

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions From Monthly Income
121.64	Food Stamp Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA -
	Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting
121.91	Monthly Reporting
121.92	Retrospective Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or Food Stamp Benefits
121.95	Restoration of Lost Benefits
121.96	Uses For Food Coupons
121.97	Supplemental Payments
121.98	Client Training for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program (Repealed)
121.107	New State Food Program

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

121.120 Recertification of Eligibility  
 121.130 Residents of Shelters for Battered Women and their Children  
 121.131 Fleeing Felons and Probation/Parole Violators  
 121.135 Incorporation By Reference  
 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers  
 121.145 Quarterly Reporting

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section  
 121.150 Definition of Intentional Violations of the Program  
 121.151 Penalties for Intentional Violations of the Program  
 121.152 Notification To Applicant Households  
 121.153 Disqualification Upon Finding of Intentional Violation of the Program  
 121.154 Court Imposed Disqualification

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section  
 121.160 Persons Required to Participate  
 121.162 Participation and Cooperation Requirements  
 121.164 Orientation  
 121.166 Assessment and Employability Plan  
 121.170 Job Search Component  
 121.172 Basic Education Component  
 121.174 Job Readiness Component  
 121.176 Work Experience Component  
 121.177 Illinois Works Component  
 121.178 Job Training Component  
 121.179 JTPA Employability Services Component  
 121.180 Grant Diversion Component (Repealed)  
 121.182 Earnfare Component  
 121.184 Sanctions  
 121.186 Good Cause for Failure to Cooperate  
 121.188 Supportive Services  
 121.190 Conciliation and Fair Hearings  
 121.200 Types of Claims (Recodified)  
 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)  
 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)  
 121.203 Collecting Claim Against Households (Recodified)  
 121.204 Failure to Respond to Initial Demand Letter (Recodified)  
 121.205 Methods of Repayment of Food Stamp Claims (Recodified)  
 121.206 Determination of Monthly Allotment Reductions (Recodified)  
 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

121.208 Suspension and Termination of Claims (Recodified)

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section  
 121.220 Work Requirement Components  
 121.221 Meeting the Work Requirement with the Earnfare Component  
 121.222 Volunteer Community Work Component  
 121.223 Work Experience Component  
 121.224 Supportive Service Payments to Meet the Work Requirement  
 121.225 Meeting the Work Requirement with the Illinois Works Component  
 121.226 Meeting the Work Requirement with the JTPA Employability Services Component

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 31, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. ~~7285~~ <sup>7285</sup> effective ~~JUN 18 1999~~ <sup>JUN 18 1999</sup>.

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

## Section 121.107 New State Food Program

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Persons who are ineligible for the Food Stamp Program solely on the basis that they do not meet citizenship requirements (see Section 121.20) may qualify for the New State Food Program.

- a) Persons must have been legally residing in the U.S. on 8/22/96, and must meet the citizenship requirements of one of the following groups (further described in Section 112.10): American Indians Born in Canada; U.S. Veterans, Active Military Service, and Dependents; Refugee/Asylee/Cuban-Haitian/Amerasian/Deportation Withheld; Hmong or Highland Laotian Tribe Members; Persons Granted Conditional Entry and Certain Parolees; or Persons Who Are Lawfully Admitted for Permanent Residence.
- b) Persons must be age 60 through 64 and not disabled, or must be parents living with their child age 17 or under who is eligible to receive federal food stamps.
- c) The monthly benefit amount is \$50 per person.

(Source: Added at 23 Ill. Reg. effective  
JUN 18 1999 7285, effective

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Illinois Dental Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1220
- 3) Section Numbers: Adopted Action:  
 1220.100 Amendment  
 1220.110 Amendment  
 1220.120 Amendment  
 1220.155 Amendment  
 1220.156 Amendment  
 1220.160 Amendment  
 1220.170 Amendment  
 1220.200 Amendment  
 1220.210 Amendment  
 1220.220 Amendment  
 1220.260 Amendment  
 1220.270 Amendment  
 1220.310 Amendment  
 1220.360 Amendment  
 1220.380 New Section  
 1220.410 Amendment  
 1220.440 Amendment
- 4) Statutory Authority: Illinois Dental Practice Act [225 ILCS 25]
- 5) Effective Date of Amendments: June 10, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 16, 1998, at 22 Ill. Reg. 18797
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: Clarification was made in Section 1220.120 that the Department will accept only examinations completed within the previous five years for all exams, not just the North East Regional Board (NERB). The requirement that graduates of foreign dental schools pass a preclinical examination was removed from Section 1220.100. Obsolete examination language was also removed.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

indicated in the agreement letter issued by JC&R? Yes

13) Will these amendments replace emergency amendments currently in effect?

No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Section 1220.380 includes a definition of "dentistry". Sections 1220.120 and 1220.220 change the passing examination scores to those established by the testing entity and add the Western Regional Examination Boards (WREB) examination to the list of acceptable exams. Section 1220.440 includes an elaboration on the requirements for continuing education waivers. Various sections are amended to update the rules to conform to current practices and to include references to fees established by rule rather than statute.

16) Information and questions regarding this amended Part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813  
Fax #: 217/782-7645

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

## TITLE 68: PROFESSIONS AND OCCUPATIONS

## CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION

## SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1220

## ILLINOIS DENTAL PRACTICE ACT

## SUBPART A: DENTIST

Section	
1220.100	Application for Licensure
1220.110	Application for Examination
1220.120	Clinical Examinations
1220.130	System of Retaking the Clinical Sections of the Examination
1220.140	Minimum Standards for an Approved Curriculum in Dentistry
1220.150	Licensure (Repealed)
1220.155	Restricted Faculty Licenses
1220.156	Temporary Training License
1220.160	Restoration
1220.170	Renewal

## SUBPART B: DENTAL HYGIENIST

Section	
1220.200	Application for Licensure
1220.210	Application for Examination
1220.220	Clinical Examination
1220.230	System of Grading (Repealed)
1220.231	System of Retaking the Clinical Examination
1220.240	Permitted Duties of Dental Auxiliaries
1220.250	Approved Programs of Dental Hygiene
1220.260	Restoration
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AUTHORITY: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; emergency expired December 12, 1983; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13 Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559,

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effective January 25, 1993; emergency amendment at 17 Ill. Reg. 8309, effective May 21, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15890, effective September 21, 1993; amended at 17 Ill. Reg. 21492, effective December 1, 1993; amended at 19 Ill. Reg. 6606, effective April 28, 1995; amended at 21 Ill. Reg. 378, effective December 20, 1996; emergency amendment at 22 Ill. Reg. 2332, effective January 8, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10574, effective June 1, 1998; amended at 22 Ill. Reg. 14880, effective July 29, 1998; amended at 23 Ill. Reg. ~~1384~~ <sup>1384</sup> effective

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SUBPART A: DENTIST

## Section 1220.100 Application for Licensure

An applicant for a license to practice dentistry in Illinois shall file an application on forms supplied by the Department of Professional Regulation (the Department) which shall include:

- A complete work history indicating all employment since graduation from dental school.
- For graduates from a dental college or school in the United States or Canada, certification of successful completion of 60 semester hours or its equivalent of college pre-dental education, and graduation from a course of instruction in a dental program that meets the minimum education standards of the Department specified in Section 1220.140.
- For graduates from a dental college or school outside of the United States or Canada:

- Certification of graduation from a dental college or school;
- Certification that the applicant was authorized to practice in the jurisdiction in which the applicant completed dental school;
- Certification from an approved dental college or school in the United States or Canada that the applicant has completed a minimum of 2 years of clinical training at the school in which the applicant met the same level of scientific knowledge and clinical competence as all graduates from that school or college.

The 2 years of clinical training shall consist of:

- 2850 clock hours completed in 2 academic years for full-time applicants;
- 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-time applicants; or
- Certification from an Illinois dental college or school approved clinical program that the applicant has completed the program and was enrolled for not less than one year prior to January 1, 1993.

- Successful completion of the pre-clinical examination set forth in Section 1220.120(a)(1).

- The required fee set forth in Section 1220.415(a)(1) of this Part; 21(a)(2) of the Illinois Dental Practice Act--f225--f257(a)(2) of the Act.

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e) Proof of successful completion of the Theoretical examination given by the Joint Commission on National Dental Examinations. In order to be successful, a grade of at least 75 in all subjects is required. The National Board Certificate must be mailed to the Department by the Joint Commission; and

f) Proof of successful completion of an examination set forth in Section 1220.120(b).

(Source: Amended JUN 10 1999 23 Ill. Reg. 7294, effective

## Section 1220.110 Application for Examination

An applicant for examination for a license to practice dentistry in Illinois, who has graduated from a dental school or college outside the United States or Canada, shall file an application on forms supplied by the Department of Professional Regulation (the Department) at least 60 days prior to an examination date. The application shall include:

- a) A complete work history indicating all employment since graduation from dental school;
- b) Certification of graduation from a dental college or school;
- c) Certification that the applicant was authorized to practice in the jurisdiction in which the applicant completed dental school;
- d) Certification from:
  - 1) an approved dental college or school in the United States or Canada that the applicant has completed a minimum of 2 years of clinical training at the school so that the applicant meets the same level of scientific knowledge and clinical competence as all graduates from that school or college. An applicant who is in the last 45 days of the clinical training at the school shall be allowed to sit for the preclinical examination upon notification to the Department from the dean of the college that the applicant only has 45 days left in the program and the school anticipates that the applicant will finish the clinical training. Two years of clinical training means:
    - A) 2850 clock hours completed in 2 academic years for full-time;
    - B) 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-time; or
- e) The required fee set forth in Section 1220.415 of this Part 210.120 of the Act; and
- f) Proof of successful completion of the Theoretical examination given by the Joint Commission on National Dental Examinations. In order to be successful, a grade of at least 75 in all subjects is required. The National Board Certificate must be mailed to the Department by the

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Joint Commission.

(Source: Amended JUN 10 1999 23 Ill. Reg. 7294, effective

## Section 1220.120 Clinical Examinations

a) The clinical examination conducted by the Department for dental licensure shall be held at least twice each year and shall be divided into two sections as set forth below. Applicants shall have passed the theoretical theoretical examination given by the Joint Commission on National Dental Examinations before taking the clinical examination. Preclinical and Clinical Sections of the examination before shall have passed the Preclinical Section of the examination before taking the Clinical Sections.

- 1) Preclinical Examination--in order to be successful a score of at least 75 is required.
- 2) Clinical Examination--Applicants who sat for the clinical examination prior to April 1994 and were unsuccessful on any part will take the parts of the clinical examination set forth below until December 31, 1994. After that time applicants will be required to take the current examination administered by the Department. In order to be successful a score of at least 75 is required in each of the following parts:

- A) Restorative-Amalgam
- B) Restorative-Castings
- C) Prosthetics
- D) Periodontics
- E) Comprehensive Treatment Planning (CBP)
- F) Diagnostic-Oral-Medicine-and-Radiology (BDR)
- G) Periodontal-Simulated-Examination (PSB)

3) Clinical Examination--Applicants who sat for the April 1994 and December 1994 clinical examination shall complete the parts of the clinical examination set forth below in order to be successful a score of at least 75 is required in each of the following parts:

- A) Restorative-Exercises
  - 1) Class-II-Amalgam-Section
  - 2) Class-III-or-IV-Composite-Resin-Section
- B) Periodontal-Exercise
  - 1) Diagnostic-Treatment-Planning-Charting-Section
  - 2) Scaling-Polishing-Pocket-Probing-Section
- C) Manikin-Exercise
  - 1) Endodontic-Section
  - 2) Three-Unit-Fixed-Partial-Denture-Sections--abutment preparations-and-provisional-partial-denture

B) Written-Simulated-Clinical-Exercise
 

- 1) Diagnostic-Oral-Medicine-and-Radiology (BDR)-Section

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- i) Comprehensive-Treatment-Planning-(CWP)-Section  
 ii) Periodontal-Simulated-Examination-(PSB)-Section  
 iv) Simulated-Clinical-Prosthetics-(SCP)-Section
- b) Clinical Examination - All Beginning--in--1995--all applicants for examination will be required to take and pass the clinical examination set forth below:**
- 1) Written Simulated Clinical Exercise
    - A) Diagnosis, Oral Medicine, Radiology
    - B) Comprehensive Treatment Planning
    - C) Periodontal, Prosthodontics and Medical Considerations
  - 2) Manikin Exercise
    - A) Fixed Partial Prosthodontics
    - B) Endodontic Treatment
    - C) Restorative Exercise
      - A) Class II Silver Amalgam
      - B) Class III/IV Composite
  - 3) Periodontal Exercise - Clinical Treatment
    - A) The Department, upon recommendation of the Board, shall accept the following examinations for licensure:
      - 1) Central Regional Dental Testing Service (CRDTS) and North East Regional Board (NERB) Combined Regional Examination (CORE) with a passing score of 75. Beginning July 1, 1998, the passing score accepted by the Department shall be the passing score established by the testing entity;
      - 2) The North East Regional Board (NERB) with a passing score of 75 or better on each part, if completed within the last 5 years. Beginning July 1, 1998, the passing score accepted by the Department shall be the passing score established by the testing entity;
      - 3) The Central Regional Dental Testing Service (CRDTS) Examination taken after January 1, 1988, with a passing score of 75 or better on each part of the examination prior to May 1993. Beginning in May 1993, a passing score of 70 or better on each part of the examination shall be accepted for licensure. Beginning July 1, 1998, the passing score accepted by the Department shall be the passing score established by the testing entity; or
      - 4) The Southern Regional Testing Agency Inc. (SRTA) Examination taken after January 1, 1991, with a passing score of 75% or better on each section of the examination. Beginning July 1, 1998, the passing score accepted by the Department shall be the passing score established by the testing entity; or
      - 5) The Western Regional Examination Boards (WREB) Examination taken after May 1, 1998, with a passing score as established by the testing entity.
  - 4) The applicant shall have the examination scores submitted to the Department directly from the reporting entity.
  - 5) The Department will only accept examinations that have been completed in the 5 years prior to submission of the application.

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(Source: Amended at 23 Ill. Reg. 7294, effective JUN 10 1995)

## Section 1220.155 Restricted Faculty Licenses

- a) Pursuant to Section 11(d) of the Act, the Department shall issue a Restricted Faculty License to an individual who files an application, on forms provided by the Department, which includes:
- 1) A complete work history since graduation from a dental program;
  - 2) Certification of licensure from the jurisdiction of original licensure and current licensure;
    - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original license;
    - B) A description of the licensure examination in that jurisdiction;
    - C) Whether the files of the jurisdiction contain any record of disciplinary action taken or pending;
  - 3) A certification, on forms provided by the Department, signed by the Dean of the school or hospital administrator, indicating:
    - A) The name and address of the dental school or hospital;
    - B) The beginning and ending date of the appointment;
    - C) The nature of and the need for the educational service that will be provided by the applicant;
  - 4) The required fee set forth in Section 1220.415(a)(7) of the Act.
  - 5) The restricted faculty license shall be valid for 5 years from the date of issuance and may not be extended or renewed.
  - 6) The holder of a restricted faculty license may only perform such acts as may be prescribed by and incidental to the teaching of dentistry and the holder may not engage in the practice of dentistry in this State.

(Source: Amended at 23 Ill. Reg. 7294, effective JUN 10 1995)

## Section 1220.156 Temporary Training License

- a) A person seeking a Temporary Training License in Illinois pursuant to Section 11(c) of the Act shall file an application, on forms provided by the Department, which includes:
- 1) A complete work history since graduation from dental school;
  - 2) Certification of graduation and/or transcripts from a dental school or program;
  - 3) Certification signed by the Dean/hospital administrator of the specialty or residency program indicating the name of the specialty/residency program, the name and address of the dental school/hospital/institution in which the applicant will be located and the beginning and ending dates of the training;

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4) Certification of licensure in another jurisdiction in which the applicant is currently licensed, stating, if applicable:

A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;

B) A description of the licensure examination in that jurisdiction;

C) Whether the file on the applicant contains a record of any disciplinary actions taken or pending;

5) The required fee set forth in Section 1220.415(a)(8) ~~of the Act.~~

b) The Temporary Training License will be issued for the duration of the residency or specialty training and may be extended as set forth in subsection (c) below.

c) The holder of a Temporary Training License may request in writing an extension of a temporary license and pay a \$20 processing fee which covers the cost of printing a new temporary license. The Temporary Training License may be extended in the following circumstances:

1) Proof of continuance of a residency/specialty training program;

2) Serving full-time in the Armed Forces; or

3) An incapacitating ~~incapacitating~~ illness as documented by a currently licensed physician.

d) A Temporary Training License may be transferred from one program to another only upon the return of the temporary license and receipt by the Department of a new application that contains a work history, certificate of acceptance that the resident will be accepted or appointed to a specialty/residency position and the temporary license fee.

e) The holder of a Temporary Training License may only perform such acts as may be prescribed and incidental ~~incidental~~ to the training in the designated facility and may not engage in the practice of dentistry in Illinois.

(Source: Amended at 23 Ill. Reg. 7294, effective JUN 10 1999)

## Section 1220.160 Restoration

a) A licensee seeking restoration of a dental license after it has expired or has been placed on inactive status for less than 5 years shall have the license restored by submitting proof of 32 hours of continuing education in accordance with Section 1220.440 completed within 2 years prior to the restoration application and payment of \$10 plus all lapsed renewal fees. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee.

b) A licensee seeking restoration of a dental license after it has expired or has been placed on inactive status for 5 years or more shall file an application, on forms supplied by the Department,

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together with proof of 32 hours of continuing education in accordance with Section 1220.440 completed within 2 years prior to the restoration application and the fees required by Section 21 of the Act. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee. The licensee shall also submit either:

1) Certification of lawful active practice in another jurisdiction for 3 of the last 5 years. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or

2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a license within 2 years of termination of such service, he/she shall have the license restored without paying any lapsed renewal or restoration fees.

c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.120(f)(2) or take and pass the CORE, NERB, CRDTS, or SRPA or WREB examination.

(Source: Amended at 23 Ill. Reg. 7294, effective JUN 10 1999)

## Section 1220.170 Renewal

a) Every dental license issued under the Act shall expire on September 30 of each even numbered year. The holder of a license may renew the license during the month preceding the expiration date thereof by paying the fee required in Section 21(f)(5) of the Act and certifying to fulfillment of 32 hours of continuing education pursuant to Section 1220.440.

b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and renewal of one's license.

c) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 23 of the Act.

(Source: Amended at 23 Ill. Reg. 7294, effective JUN 10 1999)

## SUBPART B: DENTAL HYGIENIST

## Section 1220.200 Application for Licensure

An applicant for licensure as a dental hygienist shall file an application, on

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forms supplied by the Department, which shall include:

- a) Certification of graduation from a dental hygiene program approved by the Department in accordance with Section 1220.250;
- b) Proof that the applicant has passed the National Examination given by the Joint Commission on National Dental Examinations and has been issued a National Board Certificate, mailed to the Department by the Joint Commission. In order to be successful, a grade of at least 75 in all subjects is required;
- c) Proof of successful completion of an examination pursuant to Section 1220.220(c);
- d) A complete work history since graduation from a dental hygiene program;
- e) A current certification in cardiopulmonary resuscitation from the American Red Cross, the American Heart Association or an equivalent agency or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification; and
- f) The required fee set forth in Section 1220.415(a)(3). ~~21(b)(1)-(4) of the Act.~~

(Source: Amended at 23 Ill. Reg. 7294, effective JUN 10 1999.)

## Section 1220.210 Application for Examination

Applications for examination for licensure as a dental hygienist must be filed at least 60 days prior to the date of examination and be accompanied by the following:

- a) Certified transcript from a dental hygiene program which meets the requirements set forth in Section 1220.250 of this Part;
- b) A current certification in cardiopulmonary resuscitation from the American Red Cross, the American Heart Association or an equivalent agency or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification;
- c) A complete work history since completion of the dental hygiene program;
- d) Proof that the applicant has passed the National examination given by the Joint Commission on National Dental Examinations and has been issued a National Board Certificate, mailed to the Department by the Joint Commission. In order to be successful, a grade of at least 75% in all subjects is required; and
- e) The required fee set forth in Section 1220.415 of this Part ~~21(b)(1)-(4) of the Act.~~

(Source: Amended at 23 Ill. Reg. 7294, effective JUN 10 1999.)

## Section 1220.220 Clinical Examination

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- a) The examination conducted by the Department for dental hygienist licensure shall be held twice each year. Applicants shall have passed the Theoretical examination given by Joint Commission on National Dental Examinations before taking the Clinical Examination. The Clinical Examination shall be conducted in the following subjects:
  - 1) Dental Hygiene Comprehensive
  - 2) Clinical Performance
    - A) Selection of Patient
    - B) Review of Required Records
    - C) Treatment Exercise
- b) Applicants for dental hygiene licensure must achieve at least 75 in each section of the examination in subsection (a) above.
- c) The Department, upon recommendation of the Board, shall accept the following examinations for licensure:
  - 1) The North East Regional Board (NERB) within the last 5 years, with a passing score of 75 or better on each part of the examination. Beginning July 1, 1998, the passing score accepted by the Department shall be the passing score established by the testing entity;
  - 2) The Central Regional Dental Testing Service (CRDTS) Examination after January 1, 1988, with a passing score of 75 prior to May 1993. Beginning in May 1993 a passing score of 70 or better on each part of the examination shall be accepted for licensure. Beginning July 1, 1998, the passing score accepted by the Department shall be the passing score established by the testing entity; or
  - 3) The Southern Regional Testing Agency Inc. (SRTA) Examination after January 1, 1991, with a passing score of 75% or better on each part of the examination. Beginning July 1, 1998, the passing score accepted by the Department shall be the passing score established by the testing entity; or
  - 4) The Western Regional Examination Boards (WREB) Examination taken after May 1, 1998, with a passing score as established by the testing entity.
- d) The applicant shall have examination scores submitted to the Department directly from the reporting entity.

(Source: Amended at 23 Ill. Reg. 7294, effective JUN 10 1999.)

## Section 1220.260 Restoration

- a) A licensee seeking restoration of a dental hygienist license after it has expired or been placed on inactive status for less than 5 years shall have the license restored by submitting proof of 24 hours of continuing education pursuant to Section 1220.440 within 2 years prior to application for restoration, proof of certification in cardiopulmonary resuscitation or a statement from a licensed physician

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indicating that the applicant is physically disabled and unable to obtain certification and payment of \$10 plus all lapsed renewal fees, but not to exceed \$85. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee.

- b) A licensee seeking restoration of a dental hygienist license after it has expired or been placed on inactive status for 5 years or more shall file an application, on forms supplied by the Department, together with the fees required by Section 21 of the Act, proof of 24 hours of continuing education pursuant to Section 1220.440 within 2 years prior to application for restoration and proof of certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee. The licensee shall also submit either:

- 1) Certification of lawful active practice in another jurisdiction for at least 3 of the last 5 years. The certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a license within 2 years of termination of such service, he/she shall have the license restored without paying any lapsed renewal or restoration fees.
- c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.220 or take and pass the NERB, CRDTS, and SRTA or WRB examination.

(Source: Amended at 23 Ill. Reg. 7294, effective

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## Section 1220.270 Renewal

- a) Every dental hygienist license issued under the Act shall expire on September 30 of each even numbered year. The holder of a license may renew the license during the month preceding the expiration date by:
  - 1) certifying on the application to completion of 24 hours of continuing education pursuant to Section 1220.440 of this Part;
  - 2) certifying to current certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification; and
  - 3) submitting the fee required in Section 21(b)(4) of the Act.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the

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Department shall not constitute an excuse for failure to pay the renewal fee and renewal of one's license.

- c) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 23 of the Act.

(Source: Amended at 23 Ill. Reg. 7294, effective  
JUN 10 1999)

## SUBPART C: DENTAL SPECIALIST

## Section 1220.310 Applications

- a) An applicant for examination for licensure as a dental specialist must be currently licensed as a dentist in Illinois and must file an application at least 60 days prior to date of examination. The application shall include the following:
  - 1) Certification of completion of dental specialty training in accordance with subsection (b) below;
  - 2) A complete work history since graduation from dental school;
  - 3) The fee required in Section 1220.415(a)(2) of this Part. 21--of the Act.

- b) To further qualify for examination as a specialist in Endodontics, Pediatric Dentistry, Prosthodontics or Orthodontics and Dentofacial Orthopedics, the applicant must submit, in addition to the requirements of subsection (a) above, records, certified by the director of the program, showing that the applicant has successfully completed a course of study of not less than 2 academic years in a program approved by the Department, in the dental specialty he/she proposes to practice.
- c) To further qualify for examination as a specialist in Oral and Maxillofacial Surgery, the applicant must submit, in addition to the requirements of subsection (a), above, the following:
  - 1) The Oral and Maxillofacial Surgery application must contain evidence that the applicant has successfully completed a 4 year (48 months) period of training in oral and maxillofacial surgery in a school and/or hospital approved by the Department. A minimum of 30 months shall be in clinical oral and maxillofacial surgery. Preceptor training program (training not conducted in an approved school and/or hospital program) is not recognized in satisfaction of any part of the 4 year requirement. The schedule shall include 24 months of full-time hospital training in an acceptable oral and maxillofacial surgery residency program. Not less than 4 months of this period must be devoted to training in anesthesiology.
  - 2) Certified records are required from the Dean of the dental school or the head of the Oral and Maxillofacial Surgery Department of the hospital or clinic in which the oral and maxillofacial

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surgery training took place. The records must attest to the individual's successful completion of the program.

- d) After July 1, 1994, periodontic specialty programs shall be 3 consecutive academic years with a minimum of 30 months of instruction. At least 2 consecutive years of clinical education must take place in a single educational setting. Applicants who completed periodontic specialty training prior to July 1, 1994, shall have successfully completed a course of study of not less than 2 academic years in a program approved by the Department.
- e) For the purpose of approving dental specialty education programs, the Department shall apply the standards used by the American Dental Association as approved by its Commission on Dental Accreditation specified in the "Requirements for Advanced Specialty Education Programs", approved July 1, 1994, which are herein incorporated by reference and include no later amendments.
- f) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

(Source: Amended at 23 Ill. Reg. 7294, effective JUN 10 1999)

## Section 1220.360 Renewal

- a) Every dental specialty license issued under the Act shall expire on September 30 of each even numbered year. The holder of a license may renew the license during the month preceding the expiration date thereof by paying the required fee in Section 21(a)(5)-and-(b)(4) of the Act.
- b) No specialty license shall be renewed if the dental license is expired, revoked, suspended or otherwise subject to discipline under Section 23 of the Act.
- c) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and renewal of one's license.

(Source: JUN 10 1999 at 23 Ill. Reg. 7294, effective JUN 10 1999)

SUBPART D: GENERAL

## Section 1220.380 Definitions

"Act" means the Illinois Dental Practice Act.

"Board" means the State Board of Dentistry.

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"Dentistry" means the evaluation, diagnosis, prevention and/or treatment (nonsurgical or surgical), or related procedures of diseases, disorders and/or conditions of the oral cavity, maxillofacial area and/or the adjacent and associated structures and their impact on the human body provided by a dentist, within the scope of his/her education, training and experience in accordance with the ethics of the profession and applicable laws.

"Department" means the Illinois Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

(Source: Added at 23 Ill. Reg. 7294, effective JUN 10 1999)

## Section 1220.410 Endorsement

- a) A person seeking licensure in Illinois as a dentist or as a dental hygienist who is so licensed in another state or territory and has been lawfully practicing for at least 3 of the last 5 years prior to application in Illinois, may be granted licensure in Illinois upon proof that the requirements for licensure in the other jurisdiction are at least equal to the requirements in Illinois.
- b) The applicant shall file an application for licensure on forms provided by the Department, which shall include:
- 1) Certification of licensure in the other jurisdiction stating:
    - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
    - B) A description of the licensure examination in that jurisdiction; and
    - C) Whether the files of the jurisdiction contain any record of any disciplinary action taken or pending;
  - 2) The applicant's National Board of Dentistry Examination scores, which must be forwarded to the Department from the Joint Commission on National Dental Examinations;
  - 3) For dental applicants, certification of successful completion of 60 semester hours or its equivalent of college level pre-dental education and graduation from a course of instruction in a dental school which meets the minimum education standards of the Department specified in Section 1220.140;
  - 4) After May 21, 1993, for dental applicants who graduated from a dental college or school outside of the United States or Canada:
    - A) Certification of graduation from a dental college or school;
    - B) Certification that the applicant was authorized to practice in the jurisdiction in which the applicant attended dental school; and

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- C) Certification from an approved dental college or school in the United States or Canada that the applicant has completed a minimum of 2 years of clinical training at the school in which the applicant met the same level of scientific knowledge and clinical competence as all graduates from that school or college. The 2 years of clinical training shall consist of:
- i) 2850 clock hours completed in 2 academic years for full-time applicants;
  - ii) 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-time applicants; or
- D) Certification from an Illinois dental college or school approved clinical program that the applicant has completed the program and was enrolled for not less than one year prior to January 1, 1993;
- 5) For dental hygienists, certification of 2 academic years of credit in an approved school of dental hygiene which meets the minimum education standards of the Department specified in Section 1220.250;
- 6) Verification of employment;
- 7) A complete work history indicating all employment since graduation from dental school or dental hygiene program;
- 8) Certifications from any other jurisdiction in which the applicant is licensed which shall contain the information specified in subsection (1) above; and
- 9) Fees required under Section Sections 1220.415 of this Part. 216x44-and-4b737-of-the-Act-
- c) The Department shall also accept the NERB examination or its regional equivalent for dental licensure.
- d) Each application shall be reviewed on an individual basis by the Board in accordance with the provisions of this Section.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective JUN 10 1999 7294 )

## Section 1220.440 Continuing Education

- a) Continuing Education Hours Requirements
- 1) Beginning with the September 30, 1994, renewal and every renewal thereafter, each person who applies for renewal of a license as a dentist shall have completed 32 hours of continuing education (CE) relevant to the practice of dentistry during the prerenewal period.
  - 2) Beginning with the September 30, 1994, renewal and every renewal thereafter, each person who applies for renewal of a license as a dental hygienist shall have completed 24 hours of CE relevant to the practice of dental hygiene during the prerenewal period.
  - 3) A prerenewal period is the 24 months preceding September 30 of

## DEPARTMENT OF PROFESSIONAL REGULATION

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each even-numbered year.

- 4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of a dental or dental hygienist ~~hygienist~~ license.
  - 5) Continuing education is not required to renew a dental specialty license. The holder of a dental specialty license is, however, required to complete 32 hours to renew the dental license.
  - 6) Dentists or dental hygienist licensed in Illinois but residing in other states shall comply with the CE requirements set forth in this Section.
  - 7) Continuing education credit for hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.
- b) Approved Continuing Education/Continuing Education Sponsors
- 1) All CE courses shall be relevant to the treatment and care of patients and shall be:
    - A) Clinical courses in dentistry and dental hygiene; or
    - B) Nonclinical subjects that relate to the skills necessary to provide dental or dental hygiene services and are supportive of clinical services (i.e., patient management, legal and ethical responsibilities, stress management). Courses not acceptable for the purpose of this definition include, but are not limited to, estate planning, financial planning, investments and personal health.
  - 2) CE credit may be earned for verifiable attendance at or participation in any courses which meet the requirements of subsection (b)(1) above given by one of the following sponsors:
    - A) American Dental Association and National Dental Association, its constituent and component/branch associations and the American Dental Association Continuing Education Recognition Programs;
    - B) American Dental Hygienist's Association and National Dental Hygienist's Association, its constituent and component/branch associations;
    - C) Dental programs approved by the Department as meeting minimum standards for an approved curriculum in dentistry under Section 1220.140 and dental hygiene programs approved under Section 1220.250 of this Part;
    - D) Organizations of specialties recognized by the American Dental Association and its constituent and component/branch associations, such as, but not limited to:
      - i) Oral and Maxillofacial Surgery
      - ii) Endodontics
      - iii) Pediatric Dentistry
      - iv) Prosthodontics
      - v) Orthodontics
      - vi) Periodontology;
    - E) Academy of General Dentistry, its constituent and

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- component/branch associations and approved sponsors;
- F) American Dental Society of Anesthesiology and its constituent and component/branch associations;
  - G) Community colleges with an approved dental hygiene program if offered under the auspices of the dental hygiene program;
  - H) A college or university accredited by an agency approved by the U.S. Office of Education or a community college approved by the Illinois Community College Board;
  - I) A hospital which has been accredited by the Joint Commission on Accreditation of Healthcare Organizations;
  - J) The American Heart Association and the American Cancer Society;
  - K) A medical school which is accredited by the American Medical Association's Liaison Committee for Medical Education;
  - L) American Medical Association (AMA), specialty medical associations/organizations, the Accreditation Council on Continuing Medical Education;
  - M) Federal and State government agencies (i.e., dental division, military dental division, Veterans' Administration, etc.); or
  - N) A person, firm or association approved by the Department in accordance with subsection (c) below.
- 3) CE credit may be earned for completion of an individual study course (correspondence, audio or video course) sponsored by an approved sponsor. Such courses shall include a test which the licensee must pass to obtain credit. No more than 50% of the required CE credit hours during a prerenewal period may be acquired through correspondence courses.
- 4) CE credit may be earned from teleconferencing courses with a moderator present given by an Illinois approved sponsor.
- 5) CE credit may be earned from courses leading to an advanced degree or specialty in dental or dental hygiene. Such courses shall be allotted CE credit at the rate of 15 CE hours for each semester hour and 10 CE hours for each quarter hour of school credit awarded.
- 6) CE credit may be earned as an instructor of continuing education courses given by approved sponsors. Credit will be applied for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations). No more than 50% of the required CE credit hours during a prerenewal period may be acquired through teaching continuing education courses.
- 7) CE credit may be earned for presenting volunteer community oral health education programs. Credit will be applied for each hour of presentation documented by the program director. No more than 2 hours of the required CE credit hours during a prerenewal period may be acquired through presentation of volunteer community oral health education programs.

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- 8) Hours for CPR recertification shall not be counted toward meeting CE requirements for dental hygienists.
  - 9) Continuing education hours required by a disciplinary order shall not be used to satisfy the continuing education requirements for license renewal.
  - 10) If a renewal applicant will be earning or has earned CE hours in another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an Illinois approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (b)(1) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted prior to the expiration date of the license.
- c) Sponsor Application pursuant to Subsection (b)(2)(M)
- 1) Entities seeking approval as CE sponsors pursuant to subsection (b)(2)(M) above shall file an application, on forms supplied by the Department, along with the fee set forth in Section 1220.415(a)(9) a--\$500--processing--fee. The applicant shall certify on the application the following:
    - A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (b)(1) and all other criteria in this Section;
    - B) That the sponsor will be responsible for providing a certificate of attendance and will maintain attendance records for at least 5 years. The certificate of attendance shall contain:
      - i) The name and address of the sponsor;
      - ii) The name, address and license number of the participant;
      - iii) A brief statement of the subject matter;
      - iv) The number of hours attended in each program;
      - v) An indication of whether the program fulfills CE requirements for dentist, dental hygienist or both;
      - vi) The date and place of the program; and
      - vii) The signature of the sponsor;
  - C) That upon request by the Department, the sponsor will submit evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with this Part and that the information is necessary to ensure compliance.
- 2) To maintain approval as sponsor, each sponsor shall submit to the Department by September 30 of each even-numbered year a renewal application, the fee set forth in Section 1220.415(b)(5)

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**a--\$250-fee** and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.

- 3) The sponsor shall be responsible for ensuring that any dentist or dental hygienist who will be performing some type of procedure as a part of a continuing education course shall have a current license in Illinois or another jurisdiction.

d) Certification of Compliance With CE Requirements

- 1) Each renewal applicant shall certify, on the renewal application, to full compliance with the CE requirements set forth in subsection (a), above.

- 2) The Department may require additional evidence (e.g., certificate of attendance, transcripts, proof of registration) demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. The evidence shall be retained for at least 5 years following the renewal period in which the CE was taken.

- 3) The Department may conduct random audits to verify compliance with CE requirements.

- 4) When there is evidence of a lack of compliance with CE requirements, an applicant shall be notified in writing and may request a hearing before the Board. The Department may recommend that steps be taken to begin the formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

e) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of the license or certificate without having fully complied with these CE requirements shall file with the Department a renewal application, a statement setting forth the facts concerning such noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Board. If the Department finds from such statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable pre-renewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of such period;  
 B) An incapacitating illness documented by a licensed physician;  
 C) Undue hardship (e.g., prolonged hospitalization, being disabled and unable to practice dentistry or dental hygiene on a temporary basis);  
 D) Being retired from practice and not performing any dental or

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

dental hygiene services (if a dentist or dental hygienist wishes to still practice occasionally, he/she shall be required to fulfill the requirements of continuing education as he/she is actively functioning in a professional capacity, albeit infrequently); or  
 E) Being disabled and unable to practice dentistry or dental hygiene.

- 3) If an interview is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

(Source: Amended at 23 Ill. Reg. effective  
JUN 10 1999 **7394** )

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Sport Fishing Regulations for the Waters

2) Code Citation: 17 Ill. Adm. Code 810

3) Section Numbers: 810.90  
Proposed Action:  
Amendments

4) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5]

5) Effective Date of Amendment: June 10, 1999

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they expire: This emergency amendment will remain in effect for the 15-day period.

7) Date Filed with the Index Department: June 9, 1999

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The Department needs special exemptions to the site specific regulations for daily creel and size limits (not to exceed the statutory limits) for national catch and release tournaments, and special catch and release tournaments for which proceeds go towards youth education and/or charity type projects. The Proposed Amendments to this Part will not be adopted prior to the first scheduled tournament therefore, it is necessary that the Department file these Emergency Amendments.

10) A Complete Description of the Subjects and Issues Involved: Amendments are being made special exemptions to the site specific regulations for daily creel and size limits for national catch and release tournaments and special catch and release tournaments.

11) Are there any proposed amendments to this Part Pending? Yes

Section Numbers Proposed Action Illinois Register Citation

12) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate.

13) Information and questions regarding these amendments shall be directed to:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF EMERGENCY AMENDMENT

Jack Price  
Department of Natural Resource  
524 S. Second Street, Room 485  
Springfield IL 62701-1787  
217/782-1809

The full text of the emergency amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF EMERGENCY AMENDMENT

TITLE 17: CONSERVATION  
 CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES  
 SUBCHAPTER b: FISH AND WILDLIFE

## PART 810

## SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section	
810.10	Sale of Fish and Fishing Seasons
810.20	Snagging
810.30	Pole and Line Fishing Only (Repealed)
810.35	Statewide Sportfishing Regulations - Daily Catch and Size Limits
810.37	Definitions for Site Specific Sportfishing Regulations
810.40	Daily Catch and Size Limits (Repealed)
810.45	Site Specific Water Area Regulations
810.50	Bait Fishing
810.60	Bullfrogs (Repealed)
810.70	Free Fishing Days
810.80	Emergency Protective Regulations
810.90	Fishing Tournament Permit
EMERGENCY	
810.100	Bed Protection

AUTHORITY: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendment at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendment at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendment at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendment at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendment at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days;

## DEPARTMENT OF NATURAL RESOURCES

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emergency expired February 1, 1990; emergency amendment at 13 Ill. Reg. 15118, effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendment at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days; emergency expired September 19, 1990; amended at 14 Ill. Reg. 8588, effective May 21, 1990; amended at 14 Ill. Reg. 16863, effective October 1, 1990; amended at 15 Ill. Reg. 4699, effective March 18, 1991; emergency amendment at 15 Ill. Reg. 5430, effective March 27, 1991, for a maximum of 150 days; emergency expired August 24, 1991; amended at 15 Ill. Reg. 9977, effective June 24, 1991; amended at 15 Ill. Reg. 13347, effective September 3, 1991; amended at 16 Ill. Reg. 5267, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 6016, effective March 25, 1992, for a maximum of 150 days; emergency expired August 22, 1992; amended at 16 Ill. Reg. 12526, effective July 28, 1992; amended at 17 Ill. Reg. 3853, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 5915, effective March 25, 1993, for a maximum of 150 days; emergency expired August 22, 1993; amended at 17 Ill. Reg. 10806, effective July 1, 1993; amended at 18 Ill. Reg. 3277, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 5667, effective March 25, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 12652, effective August 9, 1994; amended at 19 Ill. Reg. 2396, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5262, effective April 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10614, effective July 1, 1995; amended at 20 Ill. Reg. 4640, effective March 6, 1996; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 21 Ill. Reg. 9389; amended at 21 Ill. Reg. 4709, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 5590, effective April 15, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12140, effective August 26, 1997; amended at 22 Ill. Reg. 4930, effective March 2, 1998; amended at 23 Ill. Reg. 3434, effective March 8, 1999; emergency amendments at 23 Ill. Reg. ~~7317~~ effective JUN 10 1999, for a maximum of 150 days.

## Section 810.90 Fishing Tournament Permit

**EMERGENCY**

- a) A fishing tournament permit from the Department of Natural Resources is needed if:
- 1) Prizes are offered for tagged or marked fish and where any of the waters listed in Section 810.45 are named as a tournament site; or
  - 2) The fishing event is conducted over a period of more than 5 days during any calendar year, and prizes with a total value in excess of \$1,000 are offered, and where any of the waters listed in Section 810.45 are named as a tournament site; or
  - 3) Special exemption to the site specific regulations for daily creel and size limit (not exceed the statewide statutory limits) is requested for:
    - A) catch, hold for weigh-in, and release tournaments for

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF EMERGENCY AMENDMENT

muskie (all waters), or smallmouth bass (Lake Michigan and streams except that the Mississippi, Ohio, and Wabash Rivers are not eligible for permits which exempt participants from site-specific daily catch and size limits); and;

B) black bass catch and release tournaments (Lake Michigan and streams except that the Mississippi, Ohio, and Wabash Rivers are not eligible for permits which exempt participants from daily catch and size limits;

C) special catch and release tournaments for which the proceeds go towards youth education and/or charity type projects;

D) national catch and release tournaments; and

E) special fishing tournaments/events for children under 16, for disabled persons, or for adults over 65.

b) Requests for a permit shall be made on applications provided by the Department of Natural Resources, Division of Fisheries, at least 60 days prior to the first tournament date.

c) Issuance or denial of a permit shall be based upon the following criteria:

1) The capability of the fishery resource to absorb the tournament with minimal impact to its well-being.

2) The location of the tournament; catch and release management zones on streams are not eligible for permits.

3) The Mississippi, Wabash, and Ohio are not eligible for permits which exempt participants from daily catch and size limits for smallmouth bass.

4) The evaluation of the adverse impacts resulting from the additional fishing pressure generated by the tournament on the fish population and the targeted fish species. The evaluation must demonstrate minimal and short-term impacts in order for the Department of Natural Resources to issue the permit. Specific items to be considered include:

A) biological status of the fish population, including the species sought;

B) length of the tournament;

C) number of boats and anglers participating in the tournament;

D) for tagged fish tournaments, provisions for obtaining and tagging targeted fish species; and

E) safety of anglers and potential boater-user conflicts.

5) Demonstrates adequate provisions for holding, handling, and releasing caught fish. Specific criteria are:

A) Tournament officials must be able to certify that all boats will be required to possess a livewell (except muskie fishing tournaments) measuring at least 18" long, 12" deep, and 12" wide and be fitted with a functioning aerator and water pump.

B) Following the weigh-in, fish must be released away from the weigh-in site and as near to the spot where the catch was

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF EMERGENCY AMENDMENT

made as possible by means of a common release boat or vehicle, or by individual boats.

C) If a common release boat or vehicle is utilized, the anglers transporting the fish to be released are exempt from the daily creel limit. A common release boat and holding tank used to transport fish for release shall be adequate to carry a tank constructed of a suitable material (aluminum or fiber glass) with smooth interior walls with no obstructions to trap or injure fish. The tank must be able to hold at least one gallon of water per pound of fish, provide adequate aeration, and maintain constant desirable temperature to sustain their well-being. The tank must have operating hatches to prevent fish from jumping out of the tank and allow quick opening and closing for introduction and removal of fish. Detailed specifications on the design and use of a fish holding tank are available upon request from the IDNR, Division of Fisheries. Individual boats and anglers returning their catches of fish back to a release site must adhere to daily creel limits. Tournament officials must be able to certify that a common release boat is being utilized for this tournament.

D) For catch, weigh-in, and release muskie tournaments, all boats must have a fish cradle (made from netting) to temporarily hold the muskie in the water while an official determines the length or weight of the fish prior to release. Muskies may not be transported to a weigh-in site.

6) Adequate identification of participants in fishing tournament for law enforcement purposes. Specific criteria include:

A) Tournament officials must keep and have available on site a written record or log of daily participants (including names and boat registration numbers) for inspection by Department of Natural Resources officials.

B) Each participant and boat must be identified in an easily recognizable manner at a distance (patch on the hat or back).

d) Failure to acquire a permit as referenced in subsection (a) above is a petty offense and will result in denial of future applications for a Fishing Tournament Permit by that applicant, sponsor or group for a period up to 5 years.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. effective JUN 10 1999, for a maximum of 150 days)

7317

## CARNIVAL-AMUSEMENT SAFETY BOARD

## JULY 1999 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Carnival and Amusement Rides Safety Act, 56 Ill. Adm. Code 6000.50

1) Rulemaking:

- A) Description: The Department of Labor will ask the Board at their July 7, 1999 meeting to rescind the Inspection Scheduling Fee.
- B) Statutory Authority: 430 ILCS 85/2-6
- C) Schedule of meetings and hearing dates: The date of the public hearing will be announced at the time the Notice of Proposed Amendments are published.
- D) Date agency anticipates First Notice: If the Board approves the Department's request, the first notice should be published in July.
- E) Information concerning this regulatory agenda shall be directed to:

Carl Kimble, P.E.  
Chief Inspector  
Illinois Department of Labor  
1 W. Old State Capitol Plaza, Room 300  
Springfield, IL 62701  
(217) 782-9347

- F) Will this rule/amendment affect small business, small municipalities or not for profit corporations? This amendment will not adversely affect any owner of amusement rides or amusement attractions since it eliminates a fee that can be assessed the owners who fail to file their application in a timely fashion.

- G) Other pertinent information concerning this rule/amendment:  
None

## DEPARTMENT OF THE LOTTERY

## JULY 1999 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Lottery (General), 11 Ill. Adm. Code 1770

1) Rulemaking:

- A) Description: The Department of the Lottery anticipates rulemaking to add "Retailer" and/or "Lottery Retailer" as synonyms for "Licensed Agent" in Section 1770.10 of the Lottery's General Rules.
- B) Statutory Authority: Section 7.1 of the Illinois Lottery Law.
- C) Scheduled meeting/hearing date: No meetings or hearings are scheduled.
- D) Date agency anticipates First Notice: October 1999.
- E) Affect on small business, small municipalities or not for profit corporations: The contemplated change in terminology will have no impact on small businesses, small municipalities and not for profit corporations holding or applying for Lottery licenses.
- F) Agency contact person for information:  
Lisa A. Crites  
Illinois Lottery  
201 E. Madison  
Springfield, IL 62702  
217/524-5253  
Fax: 217/524-5235
- G) Related rulemakings and other pertinent information: There are no related rulemakings.

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## JULY 1999 REGULATORY AGENDA

- a) **Part(s) (Heading and Code Citation):** The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650

1) Rulemaking:

A) **Description:** The Teachers' Retirement System ("System") anticipates amending and adding rules in order to clarify issues concerning compliance with applicable law, including implementation of Qualified Illinois Domestic Relations Order legislation, and the administration of System disability and retirement benefits.

B) **Statutory Authority:** Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code [26 U.S.C. 1, et seq.]; Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

C) **Scheduled meeting/hearing dates:** There is no proposed schedule of dates for meetings/hearings at this time.

D) **Date agency anticipates First Notice:** Unknown.

E) **Affect on small businesses, small municipalities or not for profit corporations:** None.

F) **Agency contact person for information:**

Name: Thomas S. Gray, Assistant General Counsel  
Address: Teachers' Retirement System  
2815 West Washington, P.O. Box 19253  
Springfield, Illinois 62794-9253  
Telephone: (217) 753-0375

G) **Related rulemakings and other pertinent information:** The System has no current rulemaking in progress.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 8, 1999 through June 14, 1999 and have been scheduled for review by the Committee at its June 22, 1999 or July 20, 1999 meetings in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
7/23/99	Health Facilities Planning Board, Health Facilities Planning Procedural Rules (77 Ill Adm Code 1130)	3/26/99 23 Ill Reg 3614	6/22/99
7/24/99	Office of the Governor, Office of the Governor Procurement Rules (44 Ill Adm Code 1500)	4/16/99 23 Ill Reg 4367	6/22/99
7/24/99	Office of the Lieutenant Governor, Office of the Lieutenant Governor Procurement Rules (44 Ill Adm Code 1600)	4/16/99 23 Ill Reg 4373	6/22/99
7/22/99	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)	8/28/98 22 Ill Reg 15533	7/20/99
7/23/99	Department of Natural Resources, Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill Adm Code 550)	4/23/99 23 Ill Reg 4671	7/20/99
7/23/99	Department of Natural Resources, Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping (17 Ill Adm Code 570)	4/23/99 23 Ill Reg 4660	7/20/99
7/23/99	Department of Natural Resources, The Taking of Wild Turkeys - Fall Gun Season (17 Ill Adm Code 715)	4/23/99 23 Ill Reg 4696	7/20/99

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

7/23/99	Department of Natural Resources, The Taking of Wild Turkeys - Fall Archery Season (17 Ill Adm Code 720)	4/23/99 23 Ill Reg 4687	7/20/99
7/23/99	Department of Natural Resources, Dove Hunting (17 Ill Adm Code 730)	4/23/99 23 Ill Reg 4648	7/20/99
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